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## DEPARTMENT OF THE INTERIOR.

### Geological Survey.

#### OPERATING REGULATIONS<sup>1</sup> TO GOVERN COAL-MINING METHODS AND THE SAFETY AND WELFARE OF MINERS ON LEASED LANDS ON THE PUBLIC DOMAIN

[Second Edition]

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Secs. 31, 32, and 33 of the act of Congress approved February 25, 1920, provide as follows:

Sec. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease, and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Sec. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act.

Sec. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath,

<sup>1</sup> Under the act of February 25, 1920 (41 Stat. 437), and amendments thereto.

unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

#### DEFINITIONS

The following expressions wherever used in these regulations shall have the meaning here indicated:

Sec. i. *Mining supervisor*.—The agent appointed by and acting for the Secretary of the Interior to supervise all coal-mining operations coming under these regulations.

Sec. ii. *District mining supervisor*.—An agent appointed by the Secretary of the Interior to supervise coal-mining operations in one or more of the coal fields of the United States, acting under the direction of the mining supervisor.

Sec. iii. *Deputy mining supervisor*.—An agent appointed by the Secretary of the Interior, acting under the direction of the mining supervisor or the district mining supervisor.

Sec. iv. *Lessee*.—Any person or persons, partnership, association, firm, corporation, municipality, or State which has made application for or to which has been issued a coal-mining lease, permit, or license under the act of February 25, 1920, and amendments thereto.

Sec. v. *Leased land or tract*.—Any land or coal deposit owned by the United States and under lease, permit, license, or application for lease, permit, or license, in accordance with the act of February 25, 1920, for the purpose of mining coal therefrom.

Sec. vi. *Coal*.—Coal of all ranks from lignite to anthracite.

Sec. vii. *Mine*.—An underground excavation and all parts of the property of a mining plant either on the surface or underground that contribute directly or indirectly to the mining and preparation of coal.

Sec. viii. *Stripping operation*.—The term "stripping operation" or "strip pit" shall mean a mining excavation or development by means of a surface pit or quarry in which the surface or cover over the coal bed is first removed and the coal itself is then excavated.

Sec. ix. *Slope*.—An inclined entry in a dipping coal bed or an inclined tunnel to a coal bed.

Sec. x. *Shaft*.—A mine opening, the axis of which is approximately vertical, extending from the surface to develop one or more coal deposits.

Sec. xi. *Panel*.—A unit area in a system of mining by which the mine is divided into areas isolated or surrounded by solid pillars of coal into which a pair of entries are driven for the development of rooms and the extraction of pillars.

Sec. xii. *Working place*.—Any underground place where men are assigned to mine or load coal or rock by hand or mechanically.

Sec. xiii. *Rock dusting*.—The distribution or application underground of fine noncombustible dust in such a manner as to prevent, check, control, or extinguish coal-dust explosions.

Sec. xiv. *Wet coal dust*.—Coal dust in a mine shall be considered wet only when the fines contain sufficient water to permit molding by hand pressure.





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Sec. xv. *Gas*.—Used in the sense employed by coal miners to mean "fire damp," or flammable or explosive gas, usually methane. When such gas is mixed with air in certain proportions the mixture is explosive.

Sec. xvi. *Gassy mine*.—A mine shall be deemed "gassy" if so determined by appropriate State authority, or if a methane cap can be obtained with an approved safety lamp in any working place or places on any 3 days within a period of 30 days, or if the return air from any split contains 0.25 per cent or more of flammable gas.

Sec. xvii. *Black damp*.—The excess of nitrogen and carbon dioxide in an oxygen-deficient atmosphere.

Sec. xviii. *Permissible*.—Applied to explosives, safety lamps, electric machinery, rescue apparatus, and other devices, means, apparatus, and materials officially listed as "permissible" by the United States Bureau of Mines and approved as having met its requirements for the respective specified uses.

Sec. xix. *Fan*.—A revolving machine placed on the surface and used to create a positive air current in a mine.

Sec. xx. *Booster fan*.—A revolving machine placed underground for increased circulation in the specific airway in which it is placed.

Sec. xxi. *Auxiliary fan*.—A revolving machine used to force air through tubing or ducts for the ventilation of a specific working place or places.

### PURPOSE OF SUPERVISION

Sec. xxii. The purpose of supervision is to assure the orderly and efficient development of publicly owned coal lands and coal deposits, without waste or avoidable loss of coal or damage to coal-bearing formations; to promote the safety, health, and welfare of workmen involved; to obtain a proper record and accounting of all coal produced; to determine rent and royalty liability; and to maintain a record of rent and royalty payments.

### POWERS AND DUTIES OF MINING SUPERVISOR, DISTRICT MINING SUPERVISOR, AND DEPUTY MINING SUPERVISOR

It shall be the duty of the mining supervisor, district mining supervisors, and deputy mining supervisors:

Sec. 1. To visit from time to time leased lands where coal mining or prospecting operations are being conducted or contemplated; and to inspect and supervise such operations and plants connected therewith in order to prevent injury to life, wastage of coal, damage to or from wells drilled through the coal beds, and damage or threatened damage to property or to equipment from fire, oil, gas, or water, or otherwise, and in order to insure that operations are being conducted and that the welfare of the miners is being provided for in accordance with the act and these regulations.

Sec. 2. To ascertain and report the nature and amount of damages, if any, to the leased premises or to adjacent property belonging to the Government; to report the amount and value of any coal avoidably lost or wasted; and to make recommendations to the Secretary of the Interior on the action to be taken for insuring compliance with the provisions of the lease and these regulations.

Sec. 3. To examine the mines, mine maps, records, and books of the lessee and determine the amount of coal mined from Government coal land; to make a report to the Secretary of the Interior each quarter showing the production and the accrued royalties and rentals; to receive, record, and transmit payments of royalties and rentals; and to place seals at the entrance of leased lands on orders of the Secretary when the lessee is delinquent in royalty and rental payments.

Sec. 4. To prescribe or approve the methods of protection from wells or prospect holes drilled for any purpose through the coal measures and mines on leased lands and on coal lands subject to lease, with a view to the prevention of leakage of oil, gas, water, or other fluid substances that might endanger the lives of employees, and to prescribe or approve methods of obtaining the ultimate extraction, so far as practicable, of coal in the vicinity of such wells.

Sec. 5. To specify in writing under what conditions a mine or panel or other section of a mine, from which the coal has or has not been extracted, may be abandoned by the lessee, and how a section of a mine so abandoned should be sealed off or otherwise separated from the other parts of the mine, and to cause a survey of operations on leased lands to be made at the lessee's expense upon failure of the lessee to provide accurate maps as required.

Sec. 6. If these operating regulations or the State mining laws are not being complied with, and in the opinion of the district mining supervisor or the deputy mining supervisor, the mine or the lives of workmen are in jeopardy, such su-



pervisor may give notice in writing to stop operations on all or a part of the leased land and may apply Department of the Interior seals to the haulage tracks or across the entrance to the strip pit, mine, or section of the mine affected. Should any such notice or seal be violated, the district mining supervisor shall recommend the penalty to be imposed upon the lessee.

Sec. 7. The mining supervisor, the district mining supervisor, and the deputy mining supervisor may issue such orders and notices in writing as may be appropriate to insure compliance with these regulations, and may order the discontinuance or modification of any operation or method that is causing or likely to cause any endangerment of life or property or is in violation of the provisions of the lease or regulations: *Provided*, That such orders are not in conflict with the laws of the State in which the leased land is situated; *And further provided*, That if any such order or notice issued by the deputy or district mining supervisor does not contain a statement that immediate danger of loss of life or property is involved and if the lessee appeals therefrom within 10 days, execution of said order or notice may be delayed pending review by the mining supervisor and, on further appeal, pending review by the Secretary of the Interior.

#### DUTIES AND OBLIGATIONS OF LESSEE

Sec. 8. The lessee shall observe and carry out the terms of the act of February 25, 1920 (41 Stat. 437), as amended, of his lease, of these regulations, and of the orders and written notices of the mining supervisor, district mining supervisor, or deputy mining supervisor issued in accordance with the regulations and terms of the lease that are not in conflict with the laws of the State in which the leased land is situated: *Provided*, That if any order or notice does not specify that immediate action must be taken for the protection of life or property, an appeal may be taken as provided in section 7 of these regulations.

Upon failure of the lessee to take appropriate action to protect the deposits from damage or threatened damage by fire, water, oil, gas, or subsidence, and upon failure of the lessee properly to protect the property upon abandonment or cancellation of the lease, the lessee shall be liable for the expense of labor and supplies used by the district mining supervisor or his associates for the protection of the property.

Sec. 9. (a) The lessee shall keep a correct record of coal produced in a manner that such records can readily be checked, and he shall report accurately, on mine-run basis, within 30 days after the expiration of the period covered by the report, all coal mined from the leased land during each calendar quarter and such other data as may be required on the form provided for quarterly reports; and on the anniversary of the lease he shall report the yearly production and such other data as may be required on the form provided for annual reports. Permittees shall report monthly and licensees quarterly, giving the amount of coal mined and the amount disposed of during the period covered by the report, a description of the work done, the cost of the work, the results of prospecting, and such other information as may be requested.

(b) The lessee shall cause an audit of his books and accounts pertaining to the leased land to be made annually within 30 days after the expiration of the lease year or at such times as directed by the district mining supervisor, to whom he shall furnish, free of cost, a copy of the said audit. The eligibility of the accountant making such audit is to be subject to approval by the Secretary of the Interior.

Sec. 10. The lessee shall report promptly to the district mining supervisor by telephone or telegraph the occurrence in or about the leased land of fatal accidents, serious outbursts of gas, explosions, inundations, fires, extensive squeezes, collapses of roof, or other serious conditions causing or threatening the loss of life or property.

Sec. 11. The lessee shall report promptly in writing to the district mining supervisor each accident that results in the loss of more than one shift for the injured person, giving the date of the accident, the name, age, and occupation of

the injured person, the actual work being performed when the injury occurred, the cause and nature or result of the injury, the probable length of disability, and the name and location of the mine, with outline sketches or maps when pertinent. Copies of reports to the State inspector or industrial commission and outline sketches or maps will fulfill the requirements of this section.

#### PERSONNEL AND THEIR DUTIES

Sec. 12. (a) Superintendents, foremen, assistant foremen, mine examiners, fire bosses, hoistmen, electricians, and foremen of rescue and first-aid work must be qualified for and experienced in the duties of their respective positions and must be certified by competent State authority, or, in the absence of State certification requirements, appointments to such positions shall be subject to the approval of the district mining supervisor, who shall require the highest qualifications in vogue in the mining region concerned for similar positions.

(b) In the absence of personnel qualified as mentioned in this section, the duties of such positions may be performed by others on written consent of the appropriate State official, or, should no State official have jurisdiction over mine officials, on written consent of the district mining supervisor.

Sec. 13. (a) The lessee shall appoint for any mine employing more than 5 men underground on any shift a qualified mine foreman, who shall visit and inspect from time to time all accessible parts of the mine, and who shall be in responsible charge of the mine underground.

(b) If 25 men or less are employed underground on any shift, the superintendent may serve also as mine foreman, provided he is qualified to do so under the applicable State regulations.

(c) If more than 75 men are employed underground on any shift, the lessee shall appoint at least one experienced assistant mine foreman, with qualifications and duties similar to those of foreman, and an additional assistant mine foreman for every additional 75 men or fractional part of that number.

Sec. 14. (a) The lessee shall appoint a sufficient number of fire bosses or mine examiners, certified by the State, to examine every underground working place and nearby open place within 3 hours prior to the entrance of any shift of miners, and to determine if every place is free from a dangerous quantity of flammable or noxious gas, if the air is properly coursed, and if the roof and other conditions are safe for the workmen, and they shall record the date of examination at each working place.

(b) The fire bosses or mine examiners shall also examine every accessible part of the mine each third day, omitting Sunday, make the determinations mentioned in paragraph a, and record the date of the examination at each place examined. Any place which has been undercut by a machine or in which the coal or roof has been blasted or has fallen shall be examined by a fire boss or mine examiner and determined to be safe before workmen are permitted to reenter.

(c) For every group of 75 men or fraction thereof employed underground in any gassy mine at least one fire boss or mine examiner shall be appointed, who shall be subjected to a physical and optical examination at least once each calendar year.

Sec. 15. (a) The fire bosses or examiners shall fence and mark off all dangerous places to warn men and prevent their entrance into such places, shall list on a blackboard or its equivalent at the entrance to the mine or entrance to each section of the mine and places therein which have been marked off, and shall station themselves at the entrance to such a section or near the mouth of the mine to warn miners who normally would work in places found dangerous and prevent them from entering until the dangerous conditions have been remedied under the supervision of a duly accredited mine official and the place has been declared safe.

(b) The reports of the fire bosses or mine examiners shall be assembled and copied once a day, in ink or indelible pencil,



in a record book kept in the office of the mine and signed each day by the fire bosses or examiners and by the mine foreman.

(c) The foreman or an assistant foreman, if duly qualified in accordance with State regulations and if his other duties permit, may also serve as fire boss or mine examiner.

SEC. 16. At a mine where electricity is used underground for generating power, the lessee shall appoint a man to be in charge of the electrical equipment who is fitted for his position by ability, training, and experience and is familiar with the hazards of mine gases and coal dust and with the operation and maintenance of the equipment in his charge.

SEC. 17. (a) Hoistmen shall be familiar with the operation of hoisting engines, able to read and write English, and not less than 18 years of age.

(b) Hoistmen who hoist or lower men must have a physical examination annually and present a certificate of health from a reputable physician.

#### WEIGHING OR MEASURING COAL

SEC. 18. (a) All coal mined shall be accurately weighed or measured, truly accounted for, and recorded by the lessee, including a record of all sales of coal and of coal disposed of otherwise. If the miners are paid either by weight or by measurement, a record of correct daily weights or biweekly measurements shall be posted or displayed in a conspicuous place. Test weights shall be kept at the scales, so that the accuracy of the scales can be tested at any time.

(b) The weighman or person appointed to weigh or measure the coal where the miners are paid upon the basis of his figures shall be required before entering upon his duties to subscribe to an affidavit, before a person duly authorized to administer oaths, that he will keep a true record of the coal so weighed or measured and credit each miner accordingly; such affidavit shall be posted at his place of duty.

(c) Nothing contained herein shall be construed to prevent the lessee from separately weighing and deducting the amount of bone coal or other impurities, loaded by a miner with the coal, from the weight of the coal accredited to the miner.

(d) If rock or bone is removed from the coal after weighing, an allowance for such waste material may be authorized by the mining supervisor, provided the cleaning is done with a minimum loss of coal.

(e) If deductions are allowed for impurities in the coal under section 18 (c) or (d), under no circumstances shall the royalty be based on less than the weight credited to the miners, plus that loaded by day labor, nor shall it be based on less than the shipping weight, plus coal stored, coal used on the premises, and coal otherwise accounted for.

(f) If a lessee records or reports less than the true weight of the coal mined, he shall be subject to a penalty, at the option of the Secretary, of double the amount of royalty on the shortage or the full value of the shortage. Repetition of the showing of a shortage in weight after warning shall be sufficient cause for cancellation of the lease.

#### GEOLOGIC AND BORE-HOLE REPORTS

SEC. 19. (a) The lessee shall submit detailed reports upon completion or suspension of any prospect bore hole, prospecting operation, or geologic investigation. The report on each bore hole shall give the location, altitude, and log, including the occurrences of water. In surface prospecting the location and occurrences of coal shall be shown on a map, and copies of geologic reports on the lands leased shall be furnished by the lessee.

(b) All bore holes made to prospect formations shall upon completion be fully and promptly filled with a mud fluid or cement or filled otherwise, as prescribed by the district mining supervisor. While holes are being drilled they shall be properly cased and cemented to prevent migration of oil, gas, or water to the coal-bearing beds, and after serving their purpose they shall be abandoned as prescribed for prospect holes.

#### APPROACHING OIL, GAS, OR WATER WELLS

SEC. 20. When mining operations approach wells or bore holes that may liberate oil, gas, water, or other fluid substances, the lessee shall present his plans for mining the coal in proximity to such holes to the mining supervisor and obtain his approval before proceeding with the work planned. The plans shall provide that the coal be extracted as completely as practicable with safety and in such manner that the well will not be damaged, and that precautions be taken against the sudden liberation of a body of oil, gas, water, or other fluid. The mine ventilation shall be so arranged that any gaseous substance liberated shall enter the return air current and not be circulated through the active workings of the mine. In approaching such holes, the instructions in section 66 shall be followed.

#### SURFACE STRUCTURES, THEIR LOCATION, CONSTRUCTION, AND FIRE PROTECTION

SEC. 21. A lessee employing more than 10 men underground shall not construct or maintain on the surface any structure of combustible material within 75 feet of any opening, nor permit such a structure to be connected to any noncombustible building within that distance except as follows:

(a) An open timber framework or headframe of timber may be constructed over a shaft, slope, drift, or tunnel. The posts and rafters of any such structure may be of wood if the covering or lining is made of fireproof material, but under no circumstances shall wood flooring be used except in tipples, trestles, and storage bins. Fire doors shall be erected at effective points where smoke or fire from outside sources may endanger men working underground.

(b) Flammable material shall not be stored or placed within 75 feet of any mine opening except while such material is being sent into or removed from the mine and except for a day's supply of oil for lubricating machinery in the surface structure.

(c) At mines in which more than 50 men are employed underground on any shift, the building or buildings containing the hoisting engine and power plant shall not have floors, ceilings, and side walls or roofs constructed of combustible material, but wood may be used for roof trusses, purlins, and rafters, and for side-wall studs or frames if covered on both sides with noncombustible material.

#### DEVELOPMENT PLANS

SEC. 22. After necessary prospecting has been done on any lease and before permanent operating shafts have been sunk or slopes, drifts, or tunnels driven, the lessee shall prepare and submit to the district mining supervisor for approval a preliminary plan, together with vertical sections to indicate, so far as known, the position, dip, and thickness of each coal bed. The plan shall be on a scale of not more than 500 feet to the inch and shall show in outline the principal prospect and proposed entries, airways, shafts, and structures, including fan or fans, and the proposed method of underground development and ventilation, with a description thereof.

SEC. 23. The lessee shall develop and mine the coal in accordance with plans approved in advance, so far as natural conditions permit; and, if conditions necessitating radical changes are encountered, he shall immediately submit modified plans, accompanied by an explanation, to the district mining supervisor for approval.

#### MINING WHERE MORE THAN ONE BED OF COAL OCCURS

SEC. 24. (a) Where practicable, by reason of either commercial or mining conditions, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined; otherwise, the workings in the upper coal bed shall be kept in advance of the workings in each lower bed. The decision as to practicability rests with the mining supervisor. Where more than one bed of coal is known to exist in the leased lands, the lessee shall not draw or remove the pillars in any lower bed before mining the available coal in



each known upper bed of such thickness that it can be mined under the then existing commercial conditions, either alone or in combination with thicker beds. The mining supervisor shall decide whether or not the workings or conditions for subsequent mining in any or all of the upper beds will be seriously injured by the extraction of the pillars in the lower workings.

(b) Where mining operations are in progress in a bed that lies either below or above another bed in which mining has been or is being carried on, the lessee shall, if the room-and-pillar system is employed, superimpose the pillars in the respective beds. Modifications of this provision may be necessary in steeply dipping beds and may be approved by the mining supervisor where conditions make them advisable.

#### DEVELOPING THROUGH ADJOINING MINES

SEC. 25. A lessee may develop a mine on his leased tract from an adjoining mine not on the public domain, or from adjacent leased lands, under the following conditions:

(a) The mine that is not on the public domain shall conform to all sections in these regulations that relate to the safety of the mines and employees.

(b) The only connections between the mine not on public domain and the mine on public domain shall be the main haulageways, the ventilationways, and the escapeways. Substantial concrete frames and fireproof doors that may be closed in an emergency and opened from either side shall be installed in each such connection. Unnecessary connections through the boundary pillars shall not be made until both mines are about to be exhausted and abandoned. The district mining supervisor may waive such of these requirements when, in his judgment, such waiving does not affect adversely the safety of the employees or entail loss of coal.

(c) Free access for inspection of said connecting mine not on the public domain shall be given at all hours to the mining supervisor or other representative of the Secretary of the Interior.

SEC. 26. If a lessee operating on a lease through a mine not on public domain does not maintain the mine in accordance with the operating regulations, operations on the leased land may be ordered stopped or Departmental seals applied by the district mining supervisor or deputy mining supervisor, and the operations on leased lands shall be stopped.

#### PROVISIONS FOR DISPOSAL OF WASTE

SEC. 27. (a) The lessee shall dispose of waste, slack, refuse, and water from a mine and waste and sludge of any washery in such a manner as not to cause private or public damage or inconvenience, be a nuisance, or obstruct any stream, right of way, or other means of transportation or travel.

(b) All waste containing practically no coal shall be deposited separately and apart from coal for which no immediate market exists and from waste containing coal in such quantity that it may be later separated from the waste by washing or other means.

(c) Royalty on slack coal accrues when the coal is mined and is due and payable on the next payment date thereafter.

#### SURVEYS AND MAPS

SEC. 28. (a) Accurate surveys of new workings shall be made at least every 6 months and a map prepared thereof on a scale of 50 feet, 100 feet, or 200 feet to the inch. The mine-office maps of the workings in each coal bed shall be extended to show the advancement of all the mine workings and all other changes of a permanent character that have taken place during the period between successive surveys. Before any mine or section of a mine is abandoned, closed, or becomes inaccessible, a survey of such mine or section shall be made and recorded on the map.

(b) In addition to the information required by the lease, maps shall bear the name of the mine, the name of the lessee, and the serial number assigned by the district land office, and

shall show the true north or meridian, the public survey land lines with indication of corners found, the distance and direction from the mine opening to a land corner, the boundary barrier pillars, the scale to which the map is drawn, and an explanatory legend.

(c) The surface map shall show in outline the location of all structures or buildings and the surface location and depth of each bore hole, appropriately numbered. The map shall also show the altitude at the surface, the altitude and section of each coal bed penetrated by boring, and any other pertinent information, including the angle and direction of prospect drilling where not vertical.

(d) The mine map shall show at each face the date of extension and at each entry face the coal sections and altitude, also the location of all pillars and the parts of pillars not extracted in pillar work; the position of all fire walls, dams, main pumps, fire pipe lines, permanent ventilating stoppings, doors, overcasts, undercasts, and regulators; the direction of the ventilating current in the various parts of the mine at the time of making latest surveys; fire areas; known bodies of standing water either in or above the workings of the mine; areas containing flammable gas; areas affected by squeezes.

(e) Where the dip of the coal bed or beds exceeds 45°, profiles or vertical cross sections parallel with the approximate average direction of the dip and not more than 1,000 feet apart shall be made on the same scale as the mine maps, with approximately marked reference points, and a vertical view of the mine workings shall be prepared on the same scale as the general mine map to show the mine workings in that bed on a vertical plane parallel with the average strike of the bed or beds, with appropriately marked reference points.

(f) Blueprints or reproductions in duplicate of the maps and drawings prescribed in the preceding subsections and such other maps as may be required shall be submitted to the district mining supervisor annually without his special request, or semiannually on request.

SEC. 29. (a) In the event of the failure of the lessee to furnish the maps required, the mining supervisor or district mining supervisor shall employ a competent mine surveyor to make a survey and maps of the mine, and the cost thereof shall be charged to and promptly paid by the lessee.

(b) If any map submitted by a lessee is believed to be incorrect, the district mining supervisor may cause a survey to be made, and if the survey shows the map submitted by the lessee to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the lessee.

#### MINING BY STRIPPING

SEC. 30. (a) No strip pit will be permitted on the outcrop of any dipping coal bed until the workable coal at lower altitude in that bed and underlying beds has been extracted, unless there is free natural or artificial drainage from the pit that will prevent seepage underground down the dip.

(b) Accumulations of slack coal or combustible waste that may, if fired, endanger the coal deposit shall not be permitted at or near coal or carbonaceous material in place.

(c) Overhanging banks or ledges must be shot down promptly to eliminate danger to employees from falling rock or dirt.

(d) Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with noncombustible material that will effectively prevent the coal bed from becoming ignited.

(e) The driving of underground working places from the face of a strip pit for the purpose of getting cheap coal is contrary to conservation principles and is prohibited.

#### MANWAYS AND EXITS

SEC. 31. (a) In every mine the lessee shall provide an escapeway or second means of egress to the surface, which, if a drift, slope, or tunnel exit, shall be separated at the surface from the first exit by not less than 50 feet of rock



or coal in place; if either is a shaft or both are shafts, the exits shall be not less than 200 feet apart.

(b) During the course of development of a shaft mine not more than 10 men shall be employed underground on any shift until connections are made to the second exit.

(c) If the escapeway is a slope and more than 25° from the horizontal, steps or a stairway shall be provided. If the floor is slippery or wet, steps may be required where the dip is less than 25°.

Sec. 32. (a) In every shaft mine, unless escape is available by drift, tunnel, or slope, one shaft shall be equipped with hoist and cage suitable for hoisting or lowering men: *Provided*, That if less than 10 men are employed underground and the shafts are less than 50 feet in depth, a well-maintained ladder in each shaft will suffice as a means of entering and leaving the mine.

(b) Where the main shaft and escape shaft are less than 300 feet in depth, one shall be equipped for the hoisting and lowering of men and the other shall be equipped with a substantial stairway of approved design. The pitch of the flights shall not exceed 45°, the flights shall have suitable landings at each turn, and the hand rails and stairs shall be maintained in good order.

(c) The escape shaft and main shaft, if more than 300 feet in depth, shall each be provided with an adequate hoist and cage suitable for hoisting and lowering men, an efficient signaling system, and a qualified hoistman who shall be available on appropriate signal. The hoisting equipment and cages in each of the two shafts shall have sufficient capacity, independently of each other, to hoist out of the mine all persons on any shift in 30 minutes and with due regard to safety. A stairway or emergency ladderway of approved design shall be provided in at least one of the shafts. If a ladderway is constructed, it shall be provided with landings not more than 20 feet vertically apart, and the pitch shall not exceed 80°.

Sec. 33. At each shaft landing there shall be a passageway at least 6 feet high and 4 feet wide, free of obstruction, that will enable persons to go from one side of the shaft to the other side without passing through any compartment of the shaft: *Provided*, That a shaft compartment may be used for a passageway if properly floored and roofed over by a bulkhead sufficiently strong to withstand the fall of heavy bodies.

Sec. 34. The roof and sides of every traveling road and working place shall be maintained in a safe condition, and no one shall be permitted, unless appointed for the purpose of exploring or repairing, to travel on or work in any traveling road or working place which is not in safe condition.

Sec. 35. The shafts of all mines designed for the employment of more than 50 men, if the lining or facing thereof is combustible, shall be fireproofed within 6 months after completion by lining, guniting, or coating with cement or other noncombustible material. Such fireproofing shall be maintained over all combustible material, except guides, ladderways, and stairways, as long as said shafts form the principal means of egress.

Sec. 36. In every mine designed for the employment of more than 50 men underground on any shift, the roofs and walls of entries and passageways within 300 feet of the bottom of each shaft, if in coal or timbered, shall be fireproofed with a cement coating or the equivalent within 1 year after said entries and passageways have been driven, and such fireproofing shall be maintained in good condition so long as the shaft is used.

Sec. 37. The lessee shall arrange, so far as practicable, manways free from regular haulage for the passage of underground employees to and from their working places. Such manways shall be maintained in safe condition, and signs with arrows shall be provided showing direction toward the escapeways on each side of crossing or intersecting passages. The lessee shall require his employees to use the manways, so far as practicable, in going to and from their working places.

#### HOISTS, HOISTING EQUIPMENT, AND SHAFT LANDINGS

Sec. 38. (a) All hoisting equipment used in shafts and slopes shall be of ample capacity and of a standard design commercially recognized as safe and in accordance with State requirements.

(b) The drums or cable reels of hoists shall be provided with flanges that extend at least 2 inches radially beyond the last layer of rope or cable when fully coiled on the drum or reel.

(c) All hoists shall have sufficient power to hoist the loaded unbalanced cage or skip and shall be equipped with brakes adequate to stop and hold the fully loaded unbalanced cage or skip at any point in the shaft or slope.

Sec. 39. (a) A metal hoisting cable of recognized standard character shall be used for hoisting or lowering men. When newly installed in the shaft or slope, it shall have a safety factor of not less than 6 as rated by the manufacturer, based on the maximum load including the weight of the cable, or, if the hoistway is inclined, the calculated component of the weights parallel with the incline.

(b) No cable shall be used for hoisting and lowering men if on inspection it is found that the number of broken wires exceeds six in any single pitch length or lay of the rope, that the crowns of the strands are worn down to less than 65 per cent of their original diameter, or that a dangerous amount of corrosion or distortion exists: *Provided, however*, That when such broken wires are reduced by wear more than 30 per cent in cross section, the number of breaks in any lay of the rope shall not exceed three.

(c) Cages, skips, or cars used in hoisting or lowering men shall be connected to the hoisting cable or ring by standard babbitted or zinc-filled sockets or by clamps. The cable shall be resocketed or reclamped at intervals not exceeding 4 months, and at least 4 feet of the cable shall be cut off from the end to be socketed or clamped, and clamping shall be so done that at least 80 per cent of the breaking strength of the cable shall be retained.

(d) Hoisting cable shall be firmly clamped to the drum or reel, and at least two turns of the cable shall remain on the drum or reel at all times when the cable is extended to the lowest landing.

Sec. 40. In shafts and slopes where men are hoisted or lowered, there shall be at least 20 feet of hoistway clearance above the surface landings at which men enter or leave the cages or cars; and at mines in which more than 50 men are employed underground on any shift, overwinding and overspeeding preventers or equivalent devices, approved by the district mining supervisor, shall be connected with the hoists and so maintained as to prevent the cages from being overwound or from falling if overwound and to prevent overspeeding, considering the character of the hoisting equipment and the depth of hoisting.

Sec. 41. (a) Cages for hoisting men shall have bonnets extending over the space on which the men stand, metal sides extending not less than 5 feet above the floor of the cage or of each deck of a multiple-deck cage, and gates or doors at least 4 feet high closing the entrances to the cage on each deck. Each deck of a cage used for hoisting men shall have overhead or side bars so arranged that every man on the cage may have an easy and secure handhold. Self-dumping cages shall be so designed that the platform can not overturn in the shaft.

(b) Cages used for hoisting or lowering men shall be provided with safety catches capable of bringing the fully loaded cage to a stop within a distance of 10 feet in any part of the shaft or headframe should the cable or cable connection break.

(c) Cage rests or chairs shall be provided at all shaft landings regularly used in the hoisting or lowering of men unless their omission is authorized in writing by the district mining supervisor.

Sec. 42. (a) Gates 4 feet high or covers shall be used at the top or ground landings of vertical or inclined shafts, and



the gates shall be kept closed except when the cage is at the landing and attended.

(b) The track at the surface landing of a shaft or slope shall have a derailing device which shall always be kept open except when a car is being taken from or placed on the cage at said landing, or when a car is entering the slope under control.

SEC. 43. Shafts when not in use for hoisting men and slopes or sumps that extend below the floor of a mine passage or excavation shall be adequately guarded to prevent men from falling therein.

SEC. 44. Buckets or cans used for shaft sinking shall be provided with self-locking safety hooks and, if the shaft is more than 200 feet in depth, with crossheads and guides. When rock is being dumped or material loaded or unloaded, the mouth of the shaft shall be covered by safety doors or the equivalent, of a safe design and construction.

SEC. 45. Where men are employed in a mine or required to enter or depart from a mine between sunset and sunrise, sufficient light shall be maintained at the top landing of each shaft to enable them to see the landing. At each underground landing used for caging men, a light shall be maintained on each side of and within 10 feet of the shaft or slope whenever men are in the mine. Each underground landing, if not naturally lighted, shall be kept white with paint or whitewash.

SEC. 46. (a) The hoist shall be operated only when properly provided with brakes and indicators and when every person not on duty in the hoist room is excluded from the room, except visitors permitted by the lessee.

(b) The hoistman shall not hold conversation with anyone while his engine is in motion nor hoist or lower men at a speed greater than the rate posted in the engine room as a safe speed, and he shall bring the hoist to a dead stop at a landing before turning over the control to a relief hoistman.

(c) After any stoppage of hoisting for repairs or for any other purpose exceeding 2 hours in duration, a cage or other conveyance shall be run up or down the shaft at least once before hoisting or lowering men.

(d) No hoisting shall be done in any compartment of a shaft while repairs are being made in that compartment except such hoisting as may be necessary to make such repairs.

SEC. 47. (a) Competent representatives of the lessee shall make daily a general examination of all hoisting equipment and electrical and mechanical apparatus used for the hoisting or transportation of men in and about the mine, including skips, cages, guides, ropes, sheaves, hoists, motors, engines, and boilers; and once each week a more detailed examination shall be made. A memorandum of the condition found on examination shall be entered in a record book kept in the mine office, and any defective condition that may endanger the safety of the employees or others shall be remedied without delay.

(b) Any boiler used for generating steam shall be equipped with a safety valve, pressure gage, and water glass and shall be inspected semiannually by a competent boiler inspector.

(c) If an inspection discloses a defective condition or arrangement of any apparatus, appliance, or device, which endangers the safety of employees or others, such condition or arrangement shall be remedied without delay.

#### SIGNALS AND TELEPHONES

SEC. 48. A code of hoisting signals shall be kept posted in a manner easily read at the top of each hoisting shaft or slope, at each landing, and in the hoisting-engine house. Said code shall be in accordance with the requirements of the mining laws of the State in which the mine is situated, and if not otherwise specified, the following code of signals shall be used: (a) when the engine is at rest, one signal, hoist; (b) when the engine is in motion, one signal, stop; (c) when the engine is at rest, two signals, lower; (d) when the engine is at rest, three signals, men ready to get on the cage or cars to ascend; when this is followed by return signal from the hoistman, the men get on the cage or into cars

and then the proper signal shall be given. Other signals to suit the local conditions may be added by the lessee.

SEC. 49. (a) In mines where 20 or more men are employed underground on any shift, there shall be at least two effective methods of signaling between the engine room and each of the shaft or slope landings, one of which shall be a telephone or speaking tube. The signals shall be so arranged that the cager or person in charge of each landing can signal directly to the hoistman and the hoistman can also signal directly to each of the landings. If the shaft is more than 50 feet deep, calling or rapping on metal shall not be accepted as a substitute method of signaling.

(b) Electric signal circuits shall not use current of more than 30 volts.

SEC. 50. (a) The lessee shall provide and maintain at each mine where more than 50 men are employed underground on any shift, or where 20 or more men are employed more than 1,500 feet from the surface, a telephone system connecting with the hoisting engine room, the ground landing of the shaft or slope or the principal mine exit of a drift mine, and such other points on the surface as may be advisable for the safety of the employees, and telephones shall be placed on each shaft or slope landing in use and at the inside siding of each of the main haulage roads. The underground telephones shall be so placed that no 20 men shall be more than 1,000 feet from the nearest telephone station. A code of calls shall be kept at each telephone.

(b) The telephones inside a mine shall be of standard underground type. The telephone wires shall be carefully installed, and should any power lines be on the entry, the telephone wires shall be installed along the side of the entry opposite the power lines. Only permissible telephones shall be used in gassy mines for the installation of new telephones and the replacement of existing telephones.

#### PILLARS AND CROSSCUTS

SEC. 51. (a) The lessee shall separate intake and return airways and any adjacent parallel entries or rooms by not less than 50 feet of coal in place, except when a thinner pillar is permitted by written consent of the district mining supervisor, who may also in his discretion require a greater thickness than 50 feet.

(b) The distance apart of crosscuts or break-throughs between parallel entries or rooms shall be not greater than the maximum allowed by the regulations of the State in which the leased land is situated and shall be not more than 100 feet except in entries or tunnels where special arrangements are made to carry an adequate ventilating current to the face of each entry or tunnel, the adequacy of such arrangements to be approved by the district mining supervisor. Rooms shall not be turned ahead of the last crosscut nearest the face, nor shall branch entries be started ahead of the last crosscut, except when approved by the district mining supervisor to obtain a circuit of air, a second means of egress, or a space for the laying of switches.

(c) A face shall not be driven more than 30 feet beyond the inby rib of the crosscut until said crosscut is connected to an adjoining airway, and if, in the opinion of the district mining supervisor, adequate ventilation does not reach the face, such changes as he may direct shall be made in the ventilation.

(d) Room necks shall not be wider than 9 feet for the first 18 feet, unless the lessee is given permission in writing by the district mining supervisor to make the room necks wider and shorter.

(e) The coal in chain pillars and room stumps and panel boundary pillars provided under paragraphs b, c, and d of this section shall be left standing until in the proper course of mining operations the time shall arrive for their removal, after or during the extraction of the room pillars in the adjacent workings.

(f) Before abandoning any room, entry, slope, or drift, a crosscut shall be driven and connection made with the



adjoining room, entry, slope, or drift at the face thereof, in order to give a boundary airway around workings.

Sec. 52. (a) Where the room and pillar or other system of mining requires advance workings in the solid coal, including entries, rooms, and crosscuts or break-throughs, the lessee, except with the written consent of the mining supervisor, shall not extract by such advance workings or first mining more than 60 per cent of the total area of the coal bed within any particular tract or panel entered by said advance workings where the cover is less than 500 feet; nor more than 50 per cent where the cover is more than 500 feet and less than 1,000 feet; nor more than 40 per cent where the cover is more than 1,000 feet and less than 1,500 feet; nor more than 30 per cent where the cover is more than 1,500 feet and less than 2,000 feet; nor more than 20 per cent where the cover is more than 2,000 feet. A greater percentage may be required to be left where unfavorable roof or floor conditions exist or where the coal bed is or may be affected by mining elsewhere.

(b) The size of pillars shall be in proportion to the thickness of the coal bed, and all pillars shall be systematically mined and removed as rapidly as proper mining will permit.

(c) The percentages of the total area mined and unmined in a tract on advance mining shall be figured on the basis of the area and not on the basis of the calculated tonnage mined. The total area of the tract under consideration is to be comprised within lines bounding the faces of advance workings within the tract, excluding the area from which pillars have been systematically removed.

Sec. 53. (a) A pillar proportionate in size to the depth below the surface and the thickness of coal being excavated shall be left in each coal bed for the support of each shaft, main slope, or egress.

(b) Shaft pillars shall be not less in radius than one-half the thickness of cover over the pillar. A pillar, not less in width at any point than one-fourth the thickness of cover above it, shall be left on each side of the center line of each main slope or entry. Pillars around shafts shall be not less than 100 feet in radius, and those on each side of slopes shall not be less than 100 feet in width except by written consent of the district mining supervisor.

(c) Shaft and slope landings, sidings, and entries for haulage, ventilation, manways, and shops may be excavated in a pillar provided the area of such places does not exceed 15 per cent of the area of the pillar and that no rooms or other openings are made therein for the sole purpose of obtaining quick production.

Sec. 54. (a) The lessee shall not, without the prior consent of the district mining supervisor, mine any coal, drive any underground workings, or drill any lateral bore holes within 50 feet of any of the outside boundary lines of the leased lands, nor within any greater distance of said boundary lines that the district mining supervisor may prescribe. Payment not exceeding \$1 a ton or the full value of the coal mined may be required for coal mined within such distances of the boundary without the written consent of the district mining supervisor.

(b) If the coal on public domain beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written demand of the mining supervisor, mine out and remove all available coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee.

(c) If the coal-mining rights in adjoining premises are privately owned, an agreement may be made with the owner for the extraction of the coal in the boundary pillars.

(d) Narrow strips of coal between leased lands and the outcrop on public lands and small blocks of coal adjacent to leased lands that would otherwise be isolated or lost may be mined under the provisions specified in paragraphs b and c of this section.

#### VENTILATING FANS AND AIR DISTRIBUTION

Sec. 55. (a) Fans shall be installed if any part of the mine is 500 feet from an opening. All parts of the fan housing,

including the power unit and the fan drift to the mine opening, shall be constructed of noncombustible material.

(b) The main fan of a mine shall be situated on the surface at an offset distance of not less than 25 feet from the projection of the nearest side of the opening of the mine to the fan wheel, and shall be protected with explosion-relief doors having the full area of the air shaft or airway and in direct line therewith.

(c) Fans must be so arranged that the ventilating current can be reversed quickly, and they shall not be stopped or changed in speed, or the air current reversed, except by order of the official in charge of the underground operations.

(d) The main fan or fans used to ventilate a gassy mine, if electrically driven, shall be equipped with permissible motors and provided with auxiliary power and suitable belt or driving connections that can be quickly connected and operated should the electric power fail.

(e) Each fan used to ventilate a mine in which 25 or more men are employed underground on any shift shall be equipped with a recording instrument by which the ventilation pressure is continuously registered. The registration chart for each day, with the date thereon, shall be kept in the office of the mine for at least 1 year. Each fan shall also be equipped with an automatic signal to give warning of slowing down and stopping. These requirements may be waived only by written consent of the district mining supervisor.

(f) While a mine is being opened and less than 15 men are employed underground on any shift, a temporary fan may be set up, on the written approval of the district or deputy mining supervisor, before the permanent fan is installed.

(g) A mine on leased land may be ventilated by means of a fan not on the leased land if the fan is installed in compliance with paragraph b of this section or if it has been previously installed in conformity with State laws.

(h) If a fan used in ventilating a gassy mine has accidentally stopped or has been shut down or the ventilation otherwise interrupted, all the men in the area affected shall be warned immediately and withdrawn until the fire boss has made an examination and declared all places in that area to be free from standing gas. If such a fan has stopped for a period of more than 15 minutes in a gassy mine or more than 4 hours in a nongassy mine, no men other than mine examiners shall be permitted to enter the mine until the fan has been in operation for at least 2 hours and the fire bosses or mine examiners have thereafter inspected the mine and reported to the mine foreman that they have examined all the places and found them safe for any or all of the men to enter.

Sec. 56. Booster and auxiliary fans may be used only with the written permission of the district mining supervisor, who may permit their use only under the following conditions:

(a) Use of a "booster" fan may be permitted if the coal ribs are adequately protected against fire and no flammable material is within 10 feet of the fan and motor, and if the fan is equipped with an automatic starter and timing device that will prevent it from starting after being stopped for a period considered sufficient to permit an accumulation of gas, and with a recording device that shows the continuity of operation.

(b) Use of an auxiliary fan may be permitted if it is situated in an intaking air current and at least 16 feet out by the last open crosscut or entrance to the place ventilated and if the motor and switch are permissible; *Provided*, That in gassy mines an experienced gas inspector or fire boss shall be in attendance in the vicinity of the fan at all times while the fan is running and shall make hourly inspections to determine if methane in dangerous quantities, as defined in section 60, is passing the fan, and if the fan is oiled and running properly; *And further provided*, That at all times the ventilating current shall be so directed and of sufficient velocity to keep the working places clear of gas. Auxiliary fans shall not be used for the purpose of moving bodies of gas.



Sec. 57. A booster fan shall not be operated where more than 10 per cent of the air is recirculated by the fan; and an auxiliary fan shall not be operated if it uses more than 40 per cent of the passing air current.

Sec. 58. The lessee shall provide a ventilating current of not less than 100 cubic feet of air a minute for each person employed underground on any shift and 500 cubic feet a minute for each mule or horse or such larger amounts as may be required by the regulations of the State in which the leased land is located; and said ventilating current shall be measured for the number of men and mules served by each split of air at the entry, crosscut, or break-through nearest the face. Not more than 75 men shall be employed on any split of air current unless written permission to employ a larger number temporarily is given by the district mining supervisor.

Sec. 59. The quantity of air in the main current and in the last open crosscut on every split shall be measured with an anemometer or approved equivalent at least once every week by the mine foreman or fire bosses, and the measurements shall be entered with ink or indelible pencil in a record book kept at the mine.

Sec. 60. A working place, entry, or passageway shall not be deemed normally in a fit condition for the presence of men if the air therein, as determined by approved methane detectors, chemical analysis, or a safety lamp, contains on a moisture-free basis any carbon monoxide or more than 2 per cent of methane at the working place or 0.75 per cent in the general body of the air or less than 19.5 per cent of oxygen. Upon finding the air in unfit condition in any working place, entry, or passageway, or receiving notification of such finding, the lessee shall immediately withdraw the workmen from the area until the quality of the air therein has been improved sufficiently to meet the foregoing requirements.

Sec. 61. (a) If, in a mine declared to be gassy, a gas cap has not been detected during a period of 6 months and 2 per cent of methane has not been found with a methane detector and flammable gas in excess of 0.10 per cent has not been detected in any return airway, the district mining supervisor, at the written request of the lessee, may make a series of tests and, if he finds the mine to be not "gassy" as hereinbefore defined and no more hazardous than the non-gassy mines in the region, he may rate the mine as nongassy and so notify the lessee.

(b) From the time any mine is first declared to be gassy until declared by the district mining supervisor to be non-gassy according to these regulations, unless it is rated non-gassy by the State mine-inspection department, the lessee shall not permit any portable lights to be used in the mine except "permissible" safety lamps, either flame or electric, approved by the United States Bureau of Mines.

Sec. 62. (a) If at any time in any place in a mine a gas cap is detected on a flame safety lamp, or 2 per cent or more of gas is detected by other means, the electric current shall be cut off from that place and shall not be switched on again until the place has been examined and found safe or has been cleared of gas. Telephones, signal wires, and open motors are potential sources of igniting flammable gases.

(b) The moving of bodies of flammable or noxious gases during the working period is prohibited, and on the return of a body of gas all men shall be withdrawn until the place has been cleared by approved methods of ventilation.

Sec. 63. If a mine has been determined to be gassy, the lessee shall not permit men to enter carrying open lamps, open lights, matches, smoking material, tobacco, cigarettes, or cigars, and permissible safety lamps shall be furnished by the lessee.

Sec. 64. If the extraction of any part of the coal on a lease requires main slopes, levels, or entryways for ventilation and escapeways more than 4,000 feet in length beyond the nearest air shaft or place of egress, the entries and airways extending to such section or area shall be not less than four in number: *Provided*, That where only two passage-

ways are driven out by the 4,000-foot section or area, a pillar shall be left of sufficient width to permit the driving of the two additional passageways. Separated pairs of parallel entries entering such area, properly maintained, will fulfill the foregoing requirements; and if coal on leased land is to be mined from a mine already existing either on public domain or on private land and in the opinion of the district mining supervisor the ventilation passageways and escapeways are adequate, said requirements may be waived.

Sec. 65. (a) Crosscuts or break-throughs between main haulage entries, which are no longer needed for ventilation, shall be closed with stoppings made of incombustible material and sealed as air-tight as possible.

(b) Overcasts and undercasts shall be of fireproof construction, preferably of the same cross-sectional area as that of the entry, with a maximum area requirement of 100 square feet.

(c) No doors shall be permitted on main haulage roads where it is practicable to eliminate them. Where doors are necessary on main haulage roads, they shall be self-closing and placed in pairs with an air lock of sufficient length between them so that two doors are never open at the same time. All permanent doors set between the main intake and return airways shall be self-closing and substantially built.

(d) Line brattices shall be used to conduct the ventilating current from the last crosscut in sufficient quantity to sweep the face and remove the gas from working faces. Brattice cloth may be employed for temporary closing of openings until a more satisfactory stopping can be placed.

#### APPROACHING ABANDONED WORKINGS AND SEALING ABANDONED AREAS

Sec. 66. In any working place within 100 feet of supposedly dangerous proximity to an abandoned mine or an abandoned section of a mine not known to be free of dangerous quantities of flammable or noxious gases or water, at least two drill holes shall be maintained not less than 20 feet in advance of the face. Such working place shall not be more than 10 feet wide. On each side thereof drill holes not more than 8 feet apart shall be drilled to a depth of 20 feet at an angle of 45° with the line of the place. In addition to said drill holes, brattice shall be carried within 12 feet of the face at all times. Gas from an abandoned mine or any abandoned part of a mine may be tapped only when all employees not engaged at such work are out of the mine, and such tapping shall be done under the immediate instructions and directions of the mine foreman by workmen equipped with permissible safety lamps.

Sec. 67. All worked out areas or areas abandoned permanently or temporarily that can not be so ventilated as to prevent the accumulation of explosive and noxious gases or that can not be inspected daily by duly authorized mine officials, and all unused openings into adjacent mines shall be sealed off by fireproof stoppings constructed of strong concrete or masonry of solid, substantial character built to withstand a pressure of 50 pounds to the square inch on each side. If well constructed with good clean sand and gravel and hitched into the floor and side walls, the thickness should be not less than 1 inch for each foot of maximum span; a minimum thickness of 12 inches is required. When workings are sealed, a pipe with locked valve shall be so placed as to extend through the stopping, for the purpose of testing the gases behind the stopping, such tests to be made only by the foremen of mine examiners.

#### ELECTRICAL EQUIPMENT, ITS INSTALLATION AND MAINTENANCE

Sec. 68. (a) Where the difference of potential between any two points of an electrical circuit does not exceed 300 volts, the current shall be deemed low voltage.

(b) Where said difference of potential exceeds 300 volts and does not exceed 500 volts, the current shall be deemed medium voltage.

(c) Where said difference of potential exceeds 500 volts, the current shall be deemed high voltage.



Sec. 69. (a) High-voltage current may be used underground only for the transmission to and the operation of transformers, stationary motors, or other apparatus in which the whole of the high-voltage winding is stationary.

(b) All high-voltage power lines installed underground shall be in the form of approved insulated, lead-covered cables, armored or otherwise effectively protected against abrasion, the armor to be electrically continuous throughout and effectively grounded. Such armored cable may be placed underground or supported on the rib along the roof. High-voltage power lines shall not be installed in the main haulage roads.

Sec. 70. Only low-voltage current shall be used on locomotives, portable pumps, coal-cutting machinery, and other portable electrical machinery in or about working places that are near the face of the mine and on roadways traveled by men.

Sec. 71. (a) All underground electrical power cables and wires shall be supported by efficient insulators unless provided with grounded metallic covering or as specified in section 69 (b). Overhead cables or wires on the traveling side of entries or that men pass under, if less than 6½ feet above the rail or 7 feet above the floor where there are no tracks, shall have troughs or sideboard guards, or shall be placed in channels in the roof. Guards, if used, shall extend 2 inches below the sag between the supports and be so arranged that a man's head or cap will not come into contact with the cable or wire. Power wires along the rib in traveling ways shall be fenced or otherwise protected.

(b) All trolley wires shall be placed at least 6 inches outside of the rail of the track and, wherever possible, on the opposite side of the passageway from that used by men for traveling on foot and on the side opposite the room necks; and the trolley wire shall be protected by troughs or sideboard guards as specified above, if less than 6½ feet above the rail and on the same side of the entry or passageway used for travel or where men pass under it. Motor roads on which men do not walk but travel in cars are not considered traveling ways within the meaning of this section.

(c) When insulation is removed from wires to make connections, the wires must be reinsulated as soon as the connection is completed.

Sec. 72. Tracks used as electrical conductors shall be effectively bonded at all rail joints, cross-bonded at intervals of not less than 300 feet, and effectively cross-bonded at all switches.

Sec. 73. (a) All underground electric stations shall be fireproofed, and at least one fire extinguisher of a kind approved by the district mining supervisor shall be kept at each station for use in the event of a fire in the electric apparatus. The transformer stations shall be so constructed that oil can not escape therefrom and so equipped that the openings will automatically close in the event of fire.

(b) Insulated platforms or mats shall be placed in front of switches, motor starters, and all metallic frames, casings, and coverings of stationary equipment. The metallic frames or casings or coverings of all stationary electrical equipment and power lines shall be effectively grounded.

(c) Where high voltage is used, fixed warning signs shall be conspicuously posted, and the color of the insulation used on high-voltage wires in electric stations at transformers and switches shall be different from that used on the medium- or low-voltage wires. Yellow is suggested.

Sec. 74. (a) No electric drills and pumps; or electric undercutting, shearing, and loading machines; or other electric machines; or electric switches and connections shall be used in a gassy mine or a gassy section of a mine unless approved by the United States Bureau of Mines as permissible.

(b) Where permissible electric cutting machines and drills are used in a gassy mine, the lessee shall require a fire boss or mine examiner to make tests for flammable gas within half an hour preceding their use and every half hour during their use.

Sec. 75. In gassy mines electric-lighting circuits may be used only at the foot of the intake shafts and in the in-

taking main roads in which the air current contains not more than one-quarter of 1 per cent of flammable gas.

Sec. 76. (a) In every mine in which electric cutting machines or other portable electric machines are used, the portable cables shall be connected to the power line by plug and plug receptacles or interlocking safety switches accessible to the working places where the machines are used, and within 500 feet of the point of each installation of a pump or auxiliary fan.

(b) Cut-out switches in the trolley lines and lighting circuits shall be placed at the mouth of each branch entry and elsewhere at distances not exceeding 2,000 feet.

(c) Electric current shall be cut off by means of cutout switches from sections of the mine where men are not working and wires permanently disused shall be disconnected from the source of current.

#### INTERNAL-COMBUSTION ENGINES

Sec. 77. Nonpermissible internal-combustion locomotives, engines, pumps, hoists, and other such machines shall not be used in a mine on leased lands without the written consent of and under conditions imposed in writing by the district mining supervisor. No gasoline or internal combustion engine shall be used in a mine not continuously ventilated by a fan; nor shall such equipment, unless approved as permissible, be used where the ventilating current passes over the engine into any working place. Gasoline or other highly flammable fuel used in such equipment when taken into a mine must be in tight containers to replace the empty containers of the respective engine, and in no event shall such flammable liquid be poured from one container into another in a mine.

#### HAULAGEWAYS

Sec. 78. Every mine locomotive shall be provided with an efficient headlight and a gong or bell, and the front end of every trip of cars in transit shall be provided with a light of no less intensity than that of lights used by miners. A red light shall be displayed on the rear end of every trip in transit except on the rope end of a trip while being lowered on a slope.

Sec. 79. In any mine which is termed gassy or in which more than one-fourth of 1 per cent of flammable gas is found in the moving air current, nonpermissible locomotives may be used only in entries or passageways ventilated by intake air, and for hauling coal from the face to the back or parallel entry.

Sec. 80. (a) In any mine in which more than 10 men are employed underground on any shift, all haulageways used for the travel of men, unless a clearance of 4 feet or more exists on one side and is kept free from debris, shall be provided with shelter holes on the side of the roadway opposite the trolley and power lines, at intervals of not more than 100 feet. The shelter holes shall be at least 4 feet wide, 4 feet deep, and 6 feet high unless the entry, tunnel, or slope is of less height, and then they shall be on the same level and as high as the roadway, and they shall be kept whitewashed and free from debris. Crosscuts and room necks may be used as shelter holes if on the side used for traveling.

(b) On haulage roads other than slopes, not used as traveling ways, shelter holes will not be required if the clearance between the mine and the rib of the entry is at least 3 feet.

Sec. 81. (a) Where men are hauled on slopes and inclines, safety catches or a special man car providing equivalent safety shall be installed if practicable; otherwise a safety hitching rope or chain of ample strength shall be employed, extending from the rear car to the main hoisting rope. All safety attachments shall be inspected before the trip is permitted to be operated.

(b) Derails or stopping blocks shall be placed in dip entries and rooms as a protection against runaway cars injuring men working at the face, and all cars must be safely blocked while being loaded or standing on a grade.

(c) Frogs, switch points, and guard rails shall be properly blocked and switch levers so installed as to prevent men from tripping over them.



## STORAGE, TRANSPORTATION, DISTRIBUTION, AND USE OF EXPLOSIVES

SEC. 82. (a) All storage magazines for explosives shall be constructed and maintained in accordance with the published specifications of the United States Bureau of Mines in effect at the time of issuance of the lease and shall be in charge of a competent person or persons designated by the lessee or his agent and kept securely locked except when an authorized person is on duty there.

(b) Magazines shall be situated at a distance from active or used mine openings, buildings, dwellings, and places where persons congregate, proportionate to the maximum quantity of explosives to be stored therein, as specified in the American table of distances, unless natural barriers justify modification of such distances and approval of such modification is given by the district mining supervisor.

(c) A suitable underground chamber with wood lining and flooring, so constructed and maintained that no nails are exposed, may, with the written approval of the mining supervisor, be used in place of a surface magazine if such underground chamber is adequately ventilated and has sufficient cover, surrounding pillars, and strong bulkheads to prevent a dislodgement should an explosion occur that would endanger life, the mine, or any building or dwelling. The surface entrance to such a magazine and the ventilating ducts shall be guarded by a fence, gates, and appropriate warning signs. Under no circumstances shall the magazine have any connection with any part of the mine in which men work. Where the entrance to the magazine is a drift or slope that points toward any active or used mine opening or toward any building or highway within the distance specified in the table of distances for the quantity of explosives stored, an earth barricade shall be erected opposite and as high as the entrance.

(d) All explosives except those for immediate use shall be kept in a magazine. Detonators and blasting caps shall not be stored with other explosives but kept in separate magazines.

(e) Thawing of explosives, when necessary, shall be done in a magazine at least 300 feet from the storage magazine, mine openings, or structures. No explosive of any kind shall be thawed, kept, or stored in dwellings or buildings other than magazines.

SEC. 83. If temporary storage of explosives in a mine is necessary, they shall be stored in a suitable magazine made in the solid coal or rock, at least 100 feet from any shaft or main slope. The magazine shall be provided with a strong door kept securely locked except when entered by authorized persons. Not more than 200 pounds of explosives shall be placed in any such magazine, and before each supply of explosives is placed in the magazine, the magazine shall be cleaned. No more than a 24 hours' supply of explosives, including any surplus remaining from the previous day, shall be stored underground.

SEC. 84. In mines where the miners charge their own blasting holes, not more than one day's supply of explosives may be in possession of any miner, or of two or more miners working in the same place.

SEC. 85. (a) The lessee shall require the miner, or miners working in the same working place, to keep explosives in portable, tight wooden boxes, each box having a lid that laps over the sides and is strongly hinged or has battens that engage under a strip securely fastened at the back edge of the box. Battens shall be placed over all cracks in the boxes to protect the explosives from sparks, flame, and water. Fuse and cartridge paper may be stored with the explosives, but not detonators or blasting caps, tools, pieces of metal, matches, or oily material.

(b) The powder box shall be placed in a crosscut or recess at a sufficient distance from the working face to prevent its being struck by flying pieces of coal or rock or being ignited by blown-out shots or electric cables.

SEC. 86. (a) A proper hard-leather or fiber container shall be furnished to shot firers and cap distributors, or to miners who carry blasting caps or detonators. The caps and detonators shall be taken into the mine in a separate container not used for other explosives.

(b) Where miners are permitted to charge their drill holes, the caps or detonators shall be kept in moisture-proof receptacles and placed in a hole in the rib or in a box at least 10 feet from any point at which other explosives are kept and where no danger exists of their being struck by flying missiles from blasting or from a fall of roof.

SEC. 87. Explosives shall be issued to miners only by authorized persons, and, if they are distributed underground, distribution shall be made as soon as they are taken into the mine. No smoking shall be permitted in the vicinity of explosives either in storage or in transportation.

SEC. 88. Where electricity is used as a source of power and the power circuit is not completely cut off, explosives shall be transported into a mine only in a closed powder car or box constructed of electrically nonconducting material, with no bolts or nails exposed on the inside; and no person other than explosives distributors and men necessary to operate the trip shall ride on a trip carrying explosives in bulk.

SEC. 89. (a) Only permissible explosives shall be used in a mine that is termed gassy under these regulations and due regard shall be given to the requirements for permissibility.

(b) In gassy mines a shot shall be fired only after tests with a permissible safety lamp or an equivalent permissible detector have determined the absence of a gas cap or the presence of less than 1 per cent of flammable gas at or near the working place and an inspection has shown that no dry flammable coal dust has accumulated at or near the place of blasting.

SEC. 90. Black powder or other nonpermissible explosives may be used for blasting in a nongassy mine, providing all shots are fired by a shot firer after all men except the shot firers are out of the mine or when this requirement is modified in writing by the district mining supervisor.

SEC. 91. The depth of holes drilled for blasting coal shall not exceed the thickness of the coal bed, or, if the coal is undercut or sheared, the depth of the hole shall be at least 6 inches less than the depth of the undercutting or shear.

SEC. 92. All shots that are charged with an explosive shall be stemmed with noncombustible material and tamped with a copper tip or wooden bar, and such tamped material to extend to the outer end of the hole.

SEC. 93. (a) If black powder or other bulk explosives are used, the necessary charge or charges shall be made up at or near the box where the explosives are kept.

(b) No open light shall be permitted within 5 feet of any powder box while explosives are being obtained therefrom or during the process of filling or preparing the charge or cartridges.

## PREVENTION OF COAL-DUST EXPLOSIONS

SEC. 94. To lessen the danger of coal-dust explosions in a mine that has been determined by the district mining supervisor to produce dust of an explosive character, unless the floor, roof, and sides of the roads are naturally wet, the mine shall be rock-dusted or the dust kept wet, as follows:

(a) If the screening and loading of coal on the surface produces much dust and there is a downcast shaft within 100 feet of the screens and loading chutes, the top of the downcast shaft shall be surrounded by iron sheeting or other noncombustible material for a height up to the level of the upper landing.

(b) Mine cars shall be constructed and maintained as compactly as possible and loaded in a way to prevent coal or coal dust from escaping from them while in transit. Tight-end cars and rotary dumps shall be used where practicable; otherwise, tight-fitting doors or gates shall be employed.

(c) Water shall be used on the cutter bar of mining machines and the cuttings wet down before shooting and the coal before loading when required by the district mining supervisor.

(d) Systematic and regular application of water, rock, or shale dust shall be made in all parts of the mine to render and maintain the coal dust in a nonflammable condition. If water is used, the dust must be made wet or washed from the timbers and ribs, and the floor dust made sufficiently wet to be molded in the hand. If the rock-dusting method is used,



wet or dry, the dust and loose coal shall be systematically cleaned from the ribs, timber, and floor, and sufficient rock, shale, or other dust shall be distributed systematically along the entries, slopes, tunnels, and escapeways so that the mixture will not be explosive when brought up in suspension in the air; to this end the ash content of the mixture shall be determined by the lessee from time to time by sampling and analysis; the ash content plus the moisture shall not be less than 75 per cent, and the rock dusting must be renewed in any portion of the mine where a deficiency is indicated.

(e) All rock or shale dust for general application and for rock-dust barriers shall pass through a 20-mesh screen, and not less than 50 per cent of it through a 200-mesh screen. It shall contain a minimum of free silica and combustible matter.

(f) Before the track is removed from the air courses, abandoned rooms, and other places, all slack and coal dust must be cleaned up and loaded out. This does not apply to rock and bone gobbed in rooms and other places that have been adequately rock-dusted.

#### FIRE PROTECTION

Sec. 95. (a) The lessee shall not light, keep, maintain, or permit any open fire or unattended open light or stove fire in any strip pit or along the outcrop of any coal bed or in any mine or near mine openings.

(b) Failure to take prompt and vigorous steps for the removal of a fire hazard or the extinguishment of any fire in the coal bed or outcrop shall be sufficient ground for the entry of the lessor to remedy said condition at the lessee's expense.

Sec. 96. (a) Hay, straw, or similar highly flammable material shall be taken into a mine only in compressed bales and in a closed car or covered with tarpaulin and shall not be handled in the presence of open lights.

(b) Hay sent into a mine shall be promptly delivered to the stable and stored in a locked compartment with fireproof lining and door. The amount of hay stored underground at any time shall not exceed the amount normally consumed in 48 hours, except that a sufficient supply may be stored to last over public holidays that occur successively.

(c) All underground stables shall be independently ventilated, and the air from such stables shall be conducted to the return airway and not carried into other parts of the mine. No open light shall be permitted in any stable in any mine.

Sec. 97. (a) Oil stored underground shall be kept in a recess or chamber which contains no exposed flammable material, such as timber or coal, and which has a cement floor; such chamber shall be provided with a self-closing iron or steel door set in an iron, concrete, or masonry wall, and shall not be situated within 100 feet of any shaft.

(b) Buckets or drip pans shall be used for catching the drip or leakage from oil barrels or tanks. A supply of sand for use if a fire should occur shall be kept in a suitable container placed outside of but near the chamber in which the oil is stored.

Sec. 98. Where more than 5 men are employed underground on any shift, a supply of water shall be available on the surface for fighting fires in and about the mine. If this supply of water is not furnished through pipes, hydrants, and hose, it shall be kept in barrels of about 50-gallon capacity, painted red, with covers, and a 2-gallon bucket or can, painted red and marked "Do not use except for fighting fire," shall be hung or placed immediately adjacent to each barrel. These barrels shall be maintained full of water. If pipe lines and hose have not been installed in a mine, barrels shall be placed near the bottom of each shaft or slope and at principal junction points not exceeding 1,000 feet apart on a main haulage road. Provision shall be made to keep the water in barrels or pipe lines from freezing. Chemical fire extinguishers having a capacity of not less than 2 gallons may be substituted for water in barrels.

Sec. 99. (a) Where more than 50 men are employed underground on any shift and a sufficient water supply is obtainable within 1 mile of a mine shaft or slope, the district mining supervisor may require, if the conditions at the

mine in his judgment make it advisable, the installation of a pumping system, tank or reservoir, pipe lines, fire hydrants and hose, and a pipe line into the mine, not less than 2 inches in diameter and extending at least 500 feet on each side of the main hoisting shaft or slope to the first working levels, with suitable attachments for hose not more than 100 feet apart and with at least three 50-foot lengths of 1½-inch hose with standard pipe-thread connections and nozzles at appropriate points for immediate use. Such pipe lines shall be so located and installed that the water will not freeze. Pressure-reducing valves or their equivalent shall be so placed that the pressure will not exceed 50 pounds to the square inch at the hydrant or point of attachment of the hose.

(b) In any mine where such water lines and hose are installed and maintained, barrels filled with water as specified under section 98 will not be required within the areas reached by such pipe lines, provided an adequate supply of water to which the water pipes are connected exists for emergency fire fighting. Pipe lines of a water-sprinkling or drainage system connected with a sump containing more than 5,000 gallons of water will fulfill the requirements of water supply and pipe lines underground if provided with taps, valves, and hose. A flow of 250 gallons a minute should be provided.

#### CHECK NUMBERS FOR EMPLOYEES

Sec. 100. (a) The lessee shall install a system of checking employees in and out of a mine whereby each employee may be identified, and shall keep a record of the local residence and working place in the mine of each underground employee.

(b) Where coal is being mined from Government leased land and from other land and hauled through the same mine opening or dumped on the same tipple, a separate list of serial numbers shall be assigned to men or machines loading Government coal.

#### SAFETY GUARDS, TIMBER, AND SUPPLIES

Sec. 101. All dangerous parts of machinery used in and about a mine, such as flywheels, gears, belts, and exposed moving parts that are likely to cause injury, shall be appropriately guarded to prevent injury to attendants or other persons. Stairs, platforms, and dangerous walks in or about a mine or stripping operation shall be provided with rails, fences, and gates, as may be appropriate, and safe traveling ways shall be maintained from the mine to the camp, town, or highway.

Sec. 102. The lessee shall substantially fill in, protect, or close all surface openings, subsidence holes, or workings situated where persons or animals are likely to be injured or be endangered by accumulation of gas, shall maintain all such protective means or coverings in a secure condition during the term of the lease, and before termination of a lease shall close all such openings in a permanent manner.

Sec. 103. The lessee shall at all times provide timber at or near the places where needed, and shall provide other material and supplies for the proper and safe conduct of the operation of the mine.

#### FIRST-AID EQUIPMENT AND SAFETY TRAINING

Sec. 104. At every working mine or strip pit a standard first-aid box and its equipment, or the equivalent, shall be provided and maintained in good condition for emergency use, within 1,000 feet of any group of 5 or more employees, and where more than 25 men are employed the lessee shall provide for emergency first-aid treatment of injured persons, near the main exit of the mine or stripping operation, a first-aid room or receiving station heated during cold weather and equipped with a standard first-aid box or cabinet or the equivalent, at least two stretchers or hospital cots, four pairs of clean blankets in waterproof bags, a fresh supply of pure drinking water, a basin, and suitable toilet facilities, all kept in a sanitary condition.

Sec. 105. The lessee shall also provide for every separate mine in which more than 50 men are employed underground on any shift a refuge and first-aid chamber underground,



either near the foot of one of the shafts, if any, or at whatever point injured persons would most likely be taken prior to being hoisted or transported to the surface. In a mine on a dipping bed with one or more landings, the chamber shall be on the landing that serves the largest group of men. In a drift mine it shall be at a suitable point, such as the junction of the principal branch haulageways.

SEC. 106. (a) At every mine or strip pit the lessee shall require his mine officials to be trained in first-aid methods and shall provide facilities and encourage the training of any or all employees in first-aid methods.

(b) Where more than 25 men are employed in a mine or strip pit, a safety committee composed of representatives of the lessee and of the employees shall be organized for the purpose of holding periodical meetings to discuss and make recommendations relating to safety in the operation of the mine or strip pit.

#### MINE RESCUE APPARATUS

SEC. 107. (a) Where more than 50 persons are employed underground on any shift, the lessee shall keep and maintain at the mine, in order and ready for use, in an adequate room provided for the purpose, five sets of oxygen or self-contained breathing apparatus of a kind approved by the United States Bureau of Mines, with an ample supply of appropriate absorption material and oxygen for at least 10 hours' service of the apparatus, together with a charging pump and repair supplies.

(b) Where the number of persons employed underground on any shift exceeds 100, five additional sets of breathing apparatus with the corresponding additional supplies and ten sets of universal gas masks of a kind approved by the United States Bureau of Mines for use in mines shall be kept, maintained, and periodically tested for serviceability.

SEC. 108. (a) The breathing apparatus specified above will not be required if the lessee cooperates with a neighboring mine or industrial works in the establishment of a joint rescue station which shall be within 1 hour's journey by rail or vehicle from the mine on the leased land: *Provided*, That said joint station is connected with the mine by telephone line and has an equipment of ten sets of approved breathing apparatus and adequate supplies for use in emergency, and that said joint station shall have constantly available means of transportation to reach the mine within 1 hour's time of the call.

(b) The district mining supervisor may authorize the substitution of an adequate supply of universal gas masks for the approved breathing apparatus when, in his judgment, such substitution is warranted.

SEC. 109. The lessee shall arrange for the training of employees in the use of mine rescue breathing apparatus and universal gas masks to the end that there shall be at least two teams of 5 men each, who may be mine officials, for the first 50 men employed underground on any shift and an additional team of 5 men for each additional 100 men or less employed. Each team shall be selected from men who have been certified by the Bureau of Mines as competent in first-aid and rescue work, and shall be trained in wearing apparatus in a smoke or gas chamber for a total of at least 2 hours in every two months.

#### HEALTH, SANITATION, AND WELFARE

SEC. 110. The lessee shall provide a substantial change house or room convenient to the mine exit or strip pit which shall be heated in winter and provided with lavatory and sanitary bathing arrangements such as showers or tubs, an ample supply of hot and cold water of proper quality, proper drains and means for sewage disposal, and sanitary lockers or hangers: *Provided*, That at mines where an ample supply of water can not be obtained at reasonable expense, tubs for bathing will suffice if each employee is furnished at least 5 gallons of water per shift worked, until such time as sufficient water can be obtained at a reasonable expenditure.

SEC. 111. (a) Dwellings built on the leased land shall be properly situated with reference to sanitary conditions, and

an adequate supply of pure water shall be provided in proximity to each dwelling.

(b) Facilities shall be provided for the regular collection and sanitary disposal of garbage and trash. A separate toilet or privy shall be installed for each dwelling, and at least two shall be installed in the vicinity of the mine entrance.

(c) Unlined pits for privies may be constructed or used only where and when no danger of contaminating the water supply in the vicinity exists. Where privies unconnected with a sewerage system are used, openings must be screened from flies.

SEC. 112. The lessee shall provide ambulance service which shall be promptly available on notice in the event of serious injury to any employee.

SEC. 113. All contagious diseases in or about the leased land and all cases of occupational diseases known to the lessee which result from or are aggravated by the particular work shall be reported to the district mining supervisor. When any occupational, contagious, or infectious disease has been determined to be present among the employees in such a degree as is decided by the surgeons of the State or Public Health Service to be an occupational hazard, the lessee shall furnish necessary medical service and equipment for regular physical examination and treatment when needed of all employees: *Provided, however*, That the surgeons of the State or Public Health Service may require such additional examinations as they deem necessary to control or stamp out the disease or diseases.

SEC. 114. The administration of these regulations shall be under the direction of the Geological Survey, Department of the Interior.

Approved: December 23, 1937.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 38-565; Filed, February 24, 1938; 10:08 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Agricultural Adjustment Administration.

##### AMENDMENT TO DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1937 CROP OF LOUISIANA SUGARCANE

Whereas pursuant to Section 301 (d) of the Sugar Act of 1937, the Secretary of Agriculture on October 19, 1937,<sup>1</sup> issued a determination with respect to fair and reasonable prices to be paid for the 1937 crop of sugar cane in Louisiana by processors who as growers apply for payments under the said act; and

Whereas the 1937 crop of sugar cane in Louisiana has been subjected to a freeze resulting in excessive acidity in the sugar cane; and

Whereas the aforesaid determination contained no provision for deductions in payments to growers for frozen sugar cane, the acidity of which impairs the efficient operations of sugar factories; and

Whereas Section 10 of the 1937 Louisiana Sugar Cane Purchase Contract provides:

"When 10 cc. of the normal juice of frozen sugarcane are titrated against a N/10 solution of NaOH, using phenolphthalein as an indicator, and it requires over 2.25 cc. of N/10 NaOH to neutralize the acidity in the normal juice, a deduction will be made in settlement, based upon decreased boiling house efficiency."

Now, therefore, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby determine that the aforesaid determination be amended by changing paragraph (c), page 2, to (d) and adding a new paragraph (e) to read as follows:

"That deductions may be made for frozen sugarcane ground on or after December 12, 1937, at a rate not in excess of 3.775 per centum of the payment, computed as aforesaid, for each 25 cc. of acidity above 2.25 cc. (intervening fractions com-

<sup>1</sup> 2 F. R. 3611 (DR).



puted to the nearest multiple of .05 cc.), as set forth in Section 10 of the 1937 Louisiana Sugar Cane Purchase Contract."

Done at Washington, D. C., this 23rd day of February, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-571; Filed, February 24, 1938; 12:19 p. m.]

**DETERMINATION OF FAIR AND REASONABLE WAGES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION OR HARVESTING OF SUGARCANE IN PUERTO RICO DURING THE CALENDAR YEAR 1938**

Whereas Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas; *Provided, however*, That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas section 301 (e) of the said act provides, in part, as follows:

The conditions provided in \* \* \* subsection (b) with respect to wage rates, of this section shall not apply to work performed prior to the enactment of this Act; \* \* \*

and

Whereas the Secretary of Agriculture, on November 30, 1937,<sup>1</sup> held a public hearing in San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during 1938:

Now, therefore, I, M. L. Wilson, Acting Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine that the requirements of Subsection (b) of Section 301 of the Sugar Act of 1937 shall be deemed to have been met with respect to any farm in Puerto Rico if all persons employed on the farm in the production, cultivation, and harvesting of sugarcane during the calendar year 1938, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following; *Provided*, That laborers shall have been supplied, without charge, with perquisites (such as, a dwelling, garden plot, pasture lot, and medical services) so provided for laborers on the farm in 1937:

(a) In the event payment is made for labor on a time basis:

(1) For the first 8 hours of work performed in any 24-hour period, by a person of either sex: for handling carts in operations other than harvesting, \$1.10; cutting cane, operating winches, and making ditches, \$1.21; loading cane cars, \$1.32; handling carts in harvesting operations, \$1.38; loading vehicles other than cane cars, \$1.45; repairing or operating tractors, \$1.70; and for all other kinds of work, not less than \$1.00.

(2) For less than 8 hours of work performed in any 24-hour period, rates at not less than the hourly equivalents

of the foregoing rates or the rates agreed upon, whichever are higher.

(3) For work performed in excess of 8 hours in any 24-hour period, an additional payment for such overtime at rates of not less than double the hourly equivalents of the foregoing rates agreed upon, whichever are higher.

(b) In the event payment is made for labor on a piece rate basis:

(1) For all work performed under piece rate agreements, piece rates of not less than 110 percent of the piece rates established for similar work performed on the farm in 1937; and

(2) For all work performed under piece rate agreements, a minimum payment for all such work performed in any 24-hour period of not less than the hourly equivalents of the rates provided in (a) above.

Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the said act who has not paid in full the amount agreed upon between the producer and the laborer.

Done at Washington, D. C., this 23rd day of February, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-570; Filed, February 24, 1938; 12:19 p. m.]

**Bureau of Animal Industry.**

**NOTICE**

FEBRUARY 23, 1938.

To VICTOR SIMON, *Doing Business as American Union Stock Yards and Victor Simon Sale Stable, Baton Rouge, La.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as American Union Stock Yards and Victor Simon Sale Stable, at Baton Rouge, State of Louisiana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-569; Filed, February 24, 1938; 12:18 p. m.]

**NOTICE**

FEBRUARY 23, 1938.

To JULIUS J. WILLIAMS, *Doing Business as Fairbury Livestock Company, Fairbury, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Fairbury Livestock Company, at Fairbury, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-567; Filed, February 24, 1938; 12:18 p. m.]

<sup>1</sup> 2 F. R. 2912 (DI).



## NOTICE

FEBRUARY 23, 1938.

TO SAMUEL E. HILL, *Doing Business as LaGrande Livestock Commission Company, LaGrande, Oreg.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as LaGrande Livestock Commission Company, at LaGrande, State of Oregon, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

M. L. WILSON,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 38-568; Filed, February 24, 1938; 12:18 p. m.]

## Farm Security Administration.

## DESIGNATION OF COUNTIES

## MASSACHUSETTS

FEBRUARY 23, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Massachusetts State Farm Security Advisory Committee, the following county is hereby designated as that in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Worcester.

[SEAL]

HARRY L. BROWN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 38-566; Filed, February 24, 1938; 12:18 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

## Home Owners' Loan Corporation.

AUTHORIZING THE GENERAL MANAGER AND THE DIRECTOR OF PURCHASE AND SUPPLY SECTION TO INCUR, AND TO APPROVE AMOUNT AND PAYMENT OF, EXPENSE INCIDENT TO PURCHASES UNDER \$500.00

## PURCHASE AND SUPPLY CHAPTER OF THE MANUAL AMENDED

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by subsections a and k of Section 4 of said Act as amended, Chapter X of manual is hereby amended by the addition of a new section to be designated as Section 1007, which shall read as follows:

Sec. 1007. The General Manager is authorized to incur expense incident to the purchase of all supplies and equipment for the use of the Corporation in the Home Office and in the field offices (except law books, law periodicals, law publications, and like material for law libraries as provided in Section 617 of Chapter VI), and to approve the amount and payment of such expense, provided that the amount in any one purchase does not exceed \$500.00; on such purchases for the use of the Corporation involving a cost of more than \$500.00, there shall be required the concurring approval of a Board Member. Payment for the purchase of such supplies and equipment shall be made on a properly prepared voucher signed by the General Manager and, if required, by a Board Member, when duly certified for payment by the Auditor.

The authority herein conferred, up to and including the \$500.00 limitation, may be exercised also by the Director of the Purchase and Supply Section, under procedure and limitations prescribed by the General Manager.

Adopted by the Federal Home Loan Bank Board on February 23, 1938.

[SEAL]

R. L. NAGLE, *Secretary.*

[F. R. Doc. 38-564; Filed, February 24, 1938; 9:58 a. m.]

## VETERANS' ADMINISTRATION.

## REVISION OF REGULATIONS

## MEDICAL AND DOMICILIARY CARE

R-6048. *Definitions applicable in determining eligibility for hospital or domiciliary care.*—(1) Under subparagraphs (C) and (D) of R. & P. R-6047:

(B) "Such other conditions requiring emergency or extensive hospital treatment," will comprehend the following: (1) Emergent hospital treatment will be provided for conditions endangering the life or health of the applicant and requiring immediate treatment. The provisions of R. & P. 6039, will be a general guide in individual determinations of this kind. (2) Extensive hospital treatment will be provided for acute, subacute or chronic diseases or surgical conditions which may be improved or cured by operation or other therapy, when such diseases or conditions require extended hospital treatment. Admissions will not be authorized for treatment of conditions usually and sufficiently treatable on an out-patient status; minor eye, ear, nose and throat conditions, such as tonsillitis, deviated nasal septum, etc.; nor for dental relief except when the readmission is for supplying of dentures to beneficiaries eligible under R. & P. 6165. (February 23, 1938.) (V. R. 6 Series, Pub. 312, 74th Congress.)

R-6050. *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans' Administration.*—For the purposes of Veterans' Regulation No. 10 (b), paragraph XIX, defining "Veterans' Administration facilities," the following provisions will govern in authorizing admissions to facilities other than those under the direct and exclusive jurisdiction of the Veterans' Administration:

(A) Hospitalization will not be authorized in Government facilities other than those over which the Veterans' Administration has direct and exclusive jurisdiction until agreement covering such service has been approved. Such agreements which will be only to cover admissions of beneficiaries with service-connected diseases or injuries (except where the Administrator authorizes additional Government facilities to be used for non-service-connected cases, in which event specific authorization will be granted to the manager of the office of facility concerned to utilize a particular Government hospital and except for beneficiaries in the territories and insular possessions), will not be entered into until careful consideration has been given to the best interests of both the Government and beneficiaries.

(B) *Private facilities* will not be used for hospitalization of beneficiaries except where facilities under direct and exclusive jurisdiction of the Veterans' Administration or other Government facilities are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer from a private institution to a Government facility. Except for treatment of a medical emergency arising from a service-connected disorder, hospitalization of a male beneficiary will not be authorized in any private, municipal or State institution not under contract. In such medically emergent cases the authority for admission to an institution not under contract will be authority for the payment of vouchers covering the cost of such hospitalization, subject to the following conditions:

(1) The chief medical officer or his designate of the office or facility having jurisdiction of the territory of the said non-contract hospital,—if informed of the medical emergency in time to authorize the admission, or if re-



quested to issue an authority to cover such admission after the patient has entered the hospital—will at once put the superintendent thereof on notice as follows: That all services or supplies furnished the beneficiary must be charged at and may be paid for only at rates in accordance with the schedule of fees for medical treatment, Veterans' Administration; that for any services or supplies over and above the ordinary items usually provided at a flat per diem rate by hospitals under contract with the Veterans' Administration, the said superintendent is required to obtain a prior authorization; but that in an emergency so acute that procurement of such prior authorization would cause delay that would jeopardize the life of the patient, the special services or supplies necessary may be furnished without procurement of the prior authorization therefor; provided that the chief medical officer or his designate shall have been advised in writing, within 48 hours if possible, of the rendition of the emergency services or supplies, regarding their nature, extent and cost, together with a full explanation of the attendant circumstances, and with the understanding that whether a true medical emergency existed is for determination of the Veterans' Administration.

(C) In the territories and insular possessions, preference will be given to Government hospitals, and contracts will be made with private or insular hospitals only when service is not available through a Federal Government facility. Except as provided in subparagraph (H) hereof, hospitalization in the territories and insular possessions will not be authorized until agreements or contracts therefor have been approved. In no case will private facilities be used for other than war veterans.

(D) The general principles to be observed in utilization of facilities other than those over which the Veterans' Administration has direct and exclusive jurisdiction will be as follows: Other Government facilities under agreements or private facilities under contract will be used for the hospitalization of beneficiaries requiring hospital treatment for service-connected conditions in accordance with the foregoing instructions, only when facilities under direct and exclusive jurisdiction of the Veterans' Administration are not feasibly available, or when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required in the individual case, make it necessary or economically advisable to utilize such other institutions instead of a facility under direct and exclusive jurisdiction of the Veterans' Administration. Other Government facilities under agreement will be used for hospitalization of beneficiaries requiring treatment for non-service-connected diseases or injuries only by those offices or facilities to which the Administrator has given specific authority, and then only under the limitations defined in such authorization.

Except where prior approval of the medical director is required under the provisions of this paragraph, admissions to other Government, private, State or municipal hospitals may be authorized by chief medical officers or their designates in regional offices and facilities with regional offices, and by managers of insular offices.

(E) Women war veterans, needing treatment, in a medical emergency, for a condition either service-connected or not service-connected, may be authorized admission to a private hospital not under contract, if a Government or private contract facility is not feasibly available, without procurement of prior approval of the medical director. In these medically emergent cases the authority for admission to a private hospital not under contract will also be authority for payment of vouchers covering necessary services or supplies furnished in accordance with the stipulations specified in subparagraph (B) (1) hereof.

(1) Admission of a woman war veteran to a private hospital not under contract, for treatment of a disease or injury not service-connected, when no medical emergency

is existing, will not be authorized until prior approval of the medical director is secured.

(F) Managers of regional offices and facilities having regional offices, through chief medical officers or their designates, are empowered to authorize admission to private hospitals, under contract, of women war veterans suffering from non-service-connected diseases or injuries, as well as service-connected conditions, in a medical emergency or otherwise, without securing prior approval of the medical director; provided that a Government facility is not feasibly available; the condition of such beneficiary, if already so hospitalized, will not safely allow of her transfer to a Government facility; or the relative travel involved in admission to a Government facility, the medical condition existing, or the nature of the treatment required, make it advisable or economical to utilize the contract facility.

(G) Pregnancy and childbirth will not entitle to hospitalization, either in facilities under direct and exclusive jurisdiction of the Veterans' Administration, or in other Government, private, municipal or State hospitals.

(H) The prior approval of the medical director must be secured before hospitalizing beneficiaries in the insular possessions and territories, in private facilities not covered by contracts; except that where immediate hospitalization is indicated for treatment of a medically emergent service-connected condition in a war veteran, the manager concerned may authorize admission to a non-contract hospital, provided that no Government facility or contract private facility is feasibly available, and provided further that the stipulations specified in (B) (1) hereof be made for such admissions.

(I) The prior approval of the medical director must be secured for the use of private, State or municipal facilities covered by contracts, and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans' Administration beneficiaries may be exceeded during any month as necessitated; provided that the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(J) An applicant whose entitlement to hospital treatment has been established, either for a condition service-connected or not connected with service, whose admission to a Government facility has been approved, who has been supplied transportation, but who, while en route to the designated facility, develops an unforeseen and unavoidable medical emergency requiring admission to a private hospital, will be entitled to reimbursement for necessary services and supplies furnished during the private hospitalization so occasioned, at rates in accordance with the schedule of fees for medical treatment, Veterans' Administration. (February 23, 1938.) (V. R. 6 Series; Pub. 312, 74th Congress.)

R-6051. *Hospitalization in medical emergencies.*—Prior authority must always be obtained for travel incident to hospital treatment or domiciliary care. Ordinarily such authority will be issued when a veteran is notified of approval of his application, and transportation, meal and lodging requests, as necessitated, are sent to him or his representative. But when an applicant's condition is medically emergent, authority for travel may be extended by telephone or telegraph, subject to the procedure detailed in R. & P. 6039. (February 23, 1938.) (V. R. 6 Series, Pub. 312, 74th Congress.)

#### Out-Patient Medical Treatment

R-6060 (B). Adjunct out-patient treatment for a non-service-connected condition which is associated with a disease or injury incurred or aggravated in line of duty in active military or naval service, with the exception of dental cases



falling under the provisions of R. & P. R-6129, (B) (2), will be rendered upon the approval of chief medical officers. The opinion of the medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired. (February 23, 1938.) (V. R. 7 Series, Pub. 312, 74th Congress.)

[SEAL]

FRANK T. HINES,  
Administrator of Veterans' Affairs.

[P. R. Doc. 38-560; Filed, February 23, 1938; 3:19 p. m.]

#### REVISION OF REGULATIONS

##### TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES

R-6100. *Officials empowered to authorize travel of claimants or beneficiaries.*—Subject to the conditions and within the limitations hereinafter specified, the following field officials of the Veterans' Administration are empowered to authorize the following travel:

(A) Manager, chief medical officer, or their designate or designates (viz., chiefs of units—general medical, tuberculosis or neuropsychiatric; chief, out-patient service, or chief, reception service) in a regional office or facility with regional office activities: Necessary travel of claimants, beneficiaries and needed attendant or attendants within the regional territory, and outside the regional territory when authority exists therefor. The manager's authority as to travel of claimants or beneficiaries will usually be exercised through the chief medical officer or the latter's designate or designates.

(1) Round trip, for out-patient physical examinations and treatments rendered at the facility or regional office, or authorized to a designated or private physician or dentist, or to a Government hospital or dispensary other than one under the direct and exclusive jurisdiction of the Veterans' Administration.

(2) Round trip, when request for out-patient physical examination or treatment is referred from another office or facility.

(3) Round trip, for hospital observation with physical examination in the same facility.

(4) Travel one way—to another facility, for hospital observation with physical examination therein. Diagnostic centers to be utilized only upon prior authority of the medical director.

(5) Travel one way—return—upon completion and regular discharge from the facility of a claimant or beneficiary referred by another office or facility for hospital observation with physical examination.

(6) Round trip—in authorizing admissions, for treatment to a private, State or Government hospital, other than one under direct and exclusive jurisdiction of the Veterans' Administration.

(7) Round trip for hospital treatment in the same facility, but return transportation only upon completion of treatment and regular discharge. This includes beneficiaries whose entitlement to artificial dentures after extractions had been determined, but who had been discharged before the necessary dental work could be completed, and who are being readmitted solely for construction and fitting of dentures. One way travel—to the same facility, for domiciliary care. Return travel from domiciliary care only when authorized. (See R. & P. R-6102 (C)).

(8) Travel one way—to another facility under direct and exclusive jurisdiction of the Veterans' Administration, for hospital treatment, only under these conditions; when the applicant's condition constitutes a true medical emergency, and he is without funds to advance costs of proceeding to such other facility, subject to subsequent reimbursement if admitted. This travel to be charged against the budget of the regional office or facility issuing the travel authority.

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(9) Round trip of salaried physicians or dentist to home of a beneficiary, to make an examination or render treatment (in service-connected conditions or conditions considered adjunct thereto), when the beneficiary's condition forbids travel to the regional office or facility, and it is considered inadvisable to employ a designated or private physician or dentist in the beneficiary's community.

(10) Round trip of a physician or other trained employee to measure, adjust or repair orthopedic and prosthetic appliances for a group of patients in a hospital or elsewhere, when an economy is effectuated by avoidance of travel of such group of patients to the same or other regional office or facility.

(11) Round trip of a beneficiary, inside or outside the regional territory to nearest manufacturer's agent, for fitting or repair of an orthopedic or prosthetic appliance, when the service cannot be rendered at the same or other regional office or facility.

(12) Travel one way—to another facility, in effecting authorized inter-facility transfer.

(13) Travel one way—from a private, State or other Government hospital to a facility under direct and exclusive jurisdiction of the Veterans' Administration—when a beneficiary who is to be so transferred has been hospitalized upon authority of the Veterans' Administration the transfer to the facility under the direct and exclusive jurisdiction of the Veterans' Administration will be made through the intermediation of the regional office of the territory in which the private, State, or other Government hospital is located, the transportation to be provided by the said regional office. This is a true inter-facility transfer. But, when the hospitalization of the beneficiary has not been upon authority of the Veterans' Administration (as when the patient has been hospitalized as a public charge or at the expense of relatives), then the application for hospital treatment or domiciliary care will be made by the patient or his representative to the manager of the nearest Veterans' Administration facility, who will determine eligibility, and if favorable, will supply transportation in accordance with the procedure now in effect for direct admissions. This is to be regarded as a direct admission, not an inter-facility transfer.

(14) Necessary travel to effect return of a psychotic patient eloped from the facility. (See subparagraph C hereof.)

(15) Where round trip travel is necessary for an attendant it may be supplied in cases where one-way travel is necessary and is authorized for a claimant or beneficiary.

(B) Managers of offices in the insular possessions and territories: Necessary travel to effect out-patient physical examinations and treatment, or hospitalization, with attendant or attendants, if necessary, for observation with physical examination or for hospital treatment, within the territory allocated to such offices.

(C) Manager, or his designate or designates (viz., chief medical officer, clinical director or chief, reception service) in a facility with no regional office: Necessary travel as follows, with attendant or attendants if needed.

(1) Round trip, for out-patient physical examinations and treatments rendered at the facility, including those requested by other facilities or offices.

(2) Travel one way—return—upon completion of hospital observation with physical examination, requested by another facility or office.

(3) Round trip for hospital treatment in the same facility, but return transportation to be used only upon completion of treatment and regular discharge. This includes beneficiaries readmitted for construction and fitting of artificial dentures as provided in (A) (7) hereof. One-way travel—to the same facility, for domiciliary care. Return travel from domiciliary care only when authorized. (See R. & P. R-6102 (C)).

(4) Travel one way, to a diagnostic center, utilized upon prior approval of the medical director.



(5) Travel one way, to another facility when effecting an authorized interfacility transfer.

(6) Round trip of salaried physician or dentist to home of a beneficiary, to make an examination or render treatment (in service connected conditions), when the beneficiary's condition forbids travel to the facility.

(7) Necessary travel to effect return of an eloped psychotic patient.

If such patient be apprehended at a point distant from the facility from which he eloped, the chief medical officer of the regional office, or the manager or chief medical officer of a facility of the territory in which the patient is being held (depending upon which such officer is advised of the apprehension) will radio or wire the facts to the medical director, who will consider the advisability of effecting rehospitalization near the point of the patient's detention, rather than returning him to the facility from which he eloped. If the former alternative is decided upon, the official above mentioned will secure the consent of the guardian of the patient, if any, or otherwise of the nearest relative, and, if the patient had been committed to the facility from which he eloped, will at once notify the chief attorney of the territory in which the committing court is located, so that he may in due course take any action that may be necessary with respect to the commitment. Upon receipt of notice that these preliminary steps have been taken, and a bed being available, the medical director will instruct the chief medical officer or manager of that facility nearest the point where the patient is being held, to authorize rehospitalization in such facility. This rehospitalization will be made without recommitment, unless commitment be imperative, upon execution of Form P-10. Subsequent transfer from such nearest facility to another suitable for treatment of a psychotic patient, when necessary, will be approved upon application therefor to the medical director. Rehospitalization being effected, the said chief medical officer or manager will so notify the manager of the facility from which the patient eloped, sending also a copy of the medical director's instructions. Upon receipt thereof, the said manager will record discharge of the patient, and will so notify the chief attorney who had jurisdiction.

(8) Where round trip travel is necessary for an attendant or attendants it may be supplied in cases where one-way travel only is necessary and is authorized for a claimant or beneficiary.

(D) Attendants to be kept to minimum.—See R. & P. R-6105.

(E) When one field station requests another to conduct a physical examination of, or render out-patient treatment to, a claimant or beneficiary residing in the territory of the station making the request, and it is necessary for the station conducting the examination or rendering the out-patient treatment to send a salaried physician to the claimant's or beneficiary's home, the manager of the station conducting the examination or rendering the out-patient treatment may issue necessary travel authority for that purpose, notwithstanding that extra-regional travel may be involved. (See R. & P. 4180.) (February 23, 1938.) (V. R. 6 and V. R. 7 Series & Pub. 312, 74th Congress.)

R-6102. *Transportation: Hospital or domiciliary care.*—

(D) Transportation at Government expense to accomplish readmission for hospitalization within six months after regular discharge upon completion of treatment for a former episode of hospital treatment, will not be supplied, except in medical emergencies, unless and until prior authority is obtained from the medical director.

(1) Exceptions to the foregoing general principle are authorized to be made by chief medical officers or their designates or clinical directors, upon their own initiative and without procuring prior approval of the medical director to issuance of transportation, in the following instances:

(a) Readmissions to a tumor clinic for reexamination and possible further irradiation (see R. & P. 6043 (D)).

(b) When an amputation has been performed and the stump is sufficiently healed to permit discharge of the patient, but shrinkage is required to allow the fitting of an artificial limb to which the patient is entitled, he will be discharged for readmission at a later date when the fitting can be proceeded with, even if within six months of the former discharge from hospital. This subsequent fitting after stump shrinkage may be made by readmission to the facility from which the patient had been discharged; or may be arranged with the manager of another facility, if the latter is closer to the beneficiary's place of residence.

(c) Readmissions for the furnishing of dentures for persons eligible under R. & P. 6165.

(2) Form P-10, Application for Domiciliary or Hospital Care, will be executed in all readmissions authorized under these exceptions. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6103. *Transportation for out-patient medical and dental treatment and physical examination.*—(A) Out-patient treatment.—Veterans of war-time service (including those receiving pension under paragraph III, Part I, Veterans Regulation No. 1 (a) or of peace-time service, suffering from service-connected diseases or injuries determined to need out-patient treatment; or suffering from associated non-service-connected conditions held to be aggravating disability due to a basic service-connected disease or injury and for which associated conditions adjunct treatment is authorized, will, when notified to report for out-patient treatment, including fitting of prosthetic appliances, be furnished transportation and necessary meal and lodging requests, except:

(1) Where the beneficiary resides in the town or city where the out-patient treatment is to be rendered, or in the vicinity thereof so that the said town or city may be considered his place of residence.

(2) Veterans comprehended under subparagraph (1) hereof may, however, be supplied station transportation (bus, etc.) or expenses of transportation by common carriers where the fare exceeds ten cents each way, when reporting for out-patient treatment, where such special authority has been granted certain stations by the Administrator, because of exceptional conditions. (February 23, 1938.)

(B) Out-patient physical examinations:

(5) When physical examination of a child of a veteran is necessitated upon allegation that the child is helpless or incapable of self-support because of mental or physical defect; or physical examination of a widow or dependent parent, entitled to compensation or pension, is required upon allegation of mental incompetency, the examination may be requested by the central office or field station concerned. Round trip transportation to and from a field station, with attendant if necessary, may be supplied. If the condition of such dependent forbids travel, a full time physician may be detailed from the field station to make the examination in the dependent's home; or, if economy can be effected thereby, the necessary examination may be made through a designated physician in the dependent's community. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6104. *Authority for issuance of transportation, meal and lodging requests.*—The officials specified in R. & P. R-6100, and subordinates designated by them are empowered to authorize transportation of claimants, beneficiaries and needed attendants, as provided. When transportation, meal or lodging requests are not used, reimbursement of actual and necessary travel expense may be allowed, (except in those cases where transportation requests were issued based upon a predetermination of mode of travel by the claimant or beneficiary) subject to the limitation that not to exceed \$5 for meals and lodgings for one day, or, for fractional days not to exceed \$1 for a single meal or \$2 for a single lodging, may be allowed. Vouchers for reimburse-



ment must be supported by properly executed receipts similar to those required by the travel regulations to support travel vouchers of employees.

(A) For officials authorized to countersign transportation, meal and lodging requests, see R. & P. 8406.

(B) Claim for reimbursement of travel expenses must be presented on the prescribed travel voucher form, supported by original travel order or certified copy thereof. Attendants will be considered as employees, so that the provisions of the Standardized Government Travel Regulations relative to the furnishing of receipts will apply to such attendants.

(C) In issuing authorizations to effect hospitalization or domiciliary care of veterans when, from the information available, the services of an attendant or attendants, or of an ambulance appears necessary, care will be taken to include these additional items of expenditures in the authorizations. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Cong.)

R-6105. *Attendants.*—An attendant or attendants, to accompany a claimant or beneficiary who is being admitted to or discharged from a facility, or is proceeding to or from out-patient examination or treatment, may be authorized when in the opinion of a chief medical officer or clinical director, or their designates, such attendance is necessary because of the mental or physical condition of the beneficiary.

The assignment of attendants must be kept to the absolute minimum required for safe care of traveling claimants or beneficiaries. See R. & P. 6271 regarding travel precautions relative to psychotic or tuberculous beneficiaries.

(A) Persons not in the regular civilian employment of the Government may be authorized to act as attendants. Relatives of claimants or beneficiaries are not excluded from so acting, provided in medical judgment their services will be safe, convenient and in other respects advisable. However, while relatives assigned as attendants may be supplied necessary transportation, meal and lodging requests or (as in emergency admissions) may be reimbursed for those expenses, they will not be granted a per diem fee. When travel authorizations for attendants are issued and it is known that the authorized attendant is a relative of the beneficiary the provision for payment of fee will be stricken from the authorization. When the services of an attendant are authorized and the name or relationship of the attendant are not known it will be stipulated in the authorization, whether formal or informal, that no fee will be paid if the attendant is a relative of the beneficiary. In all cases in which fees are authorized to be paid to attendants the fiscal vouchers covering claims for such fees will bear a statement over the signature of the certifying officer "-----"

Name of Attendant  
is not a relative of -----  
Name of Beneficiary

A maximum fee of \$5 per 24 hours of service or \$1.25 per 6 hour period or fraction thereof may be authorized to be paid persons specified in this subparagraph other than relatives of beneficiaries and claimants for whom attendance is required, it being entirely the responsibility of the authorizing officer to determine whether an attendant is or is not a relative of the beneficiary or claimant. The authorizing officer may authorize payment of attendant's fee at any rate, less than the maximum rate of \$5 per 24 hour period, for which the required service can satisfactorily be obtained in the community. Fees will be authorized to be paid only for the time actually necessary for the completion of duties by the attendant, but not in excess of the time required for travel by available common carrier; unless it is specified in the authorization that, because of the condition of the beneficiary or claimant, travel is to be performed by ambulance or special conveyance. In the latter event, authority may be granted for payment of attendant's fee on the basis of time actually required for completion of duty by the specified mode of transportation, without consideration of the travel time required for the duty through use of a common carrier. An attendant on a fee basis, after delivery of a claimant or beneficiary to the field station designated, will (unless instructed to accompany the beneficiary

or claimant on his return to the place from which he proceeded) complete his return trip without delay and by the mode of transportation authorized. When conditions make it clearly necessary that a private physician act as an attendant, a fee not to exceed \$10 per 24 hours of service, or \$2.50 per 6 hour period or fraction thereof, may be authorized to be paid to such physician attendant. Upon the issuance of specific authority therefor, by the medical director, in an individual case, a fee of more than \$10 but not to exceed \$20 per 24 hour period, may be authorized to be paid to a private physician employed as an attendant. In addition to the per diem fee as herein provided, attendants appointed under this subparagraph will be furnished necessary transportation, meal and lodging requests. Claims for reimbursement of actual expenses for meals and lodgings will not be certified for payment unless (as in emergency admissions) such requests have not been issued or, if issued, are returned for cancellation, and satisfactory reasons for not using such requests as well as the fact of cancellation are shown on the reimbursement voucher.

(B) Persons in the regular civilian employment of the Government may be authorized to act as attendants and are entitled to transportation and other necessary traveling expenses, as hereinbefore stated, but are not entitled to a fee in addition to their usual salaries. This class of attendants may be allowed per diem in lieu of subsistence upon issuance of proper authorization therefor, and will not be issued meal and lodging requests. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Public 312, 74th Congress.)

R-6106. *Purposes for which traveling expenses are to be authorized.*—When allowable under R. & P. R-6102 and 6103, and when authorized by proper prior authority, claimants and beneficiaries of the Veterans' Administration may be supplied transportation and meal and lodging requests necessary, for the following purposes:

(G) The furnishing of transportation, meal and lodging requests to cover the rehospitalization of a beneficiary who has an unexpired discharge from a facility because of an infraction of discipline is not authorized except (1) when the rehospitalization is for an initial period of observation with examination, made for the convenience and upon the motion of the Government; or (2) when one year has elapsed since the most recent discharge for infraction of discipline; (3) if readmission to a facility is required, because of a medical emergency before the expiration of the period of exclusion provided for such infraction, the transportation to effect such rehospitalization will not be furnished, except as provided in R. & P. 6037. If, after such emergency admission the beneficiary remains until completion of treatment and regular discharge, return transportation to the point from which he proceeded may be supplied by the Government, provided he has against him only one unexpired infraction of hospital discipline. If he has more than one unexpired infraction of hospital discipline, return transportation will not be supplied in these circumstances unless one year has elapsed from the date of the most recent of such irregular discharges from hospital treatment. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6107. *Authorization for routing of claimant or beneficiary to nearest station.*—Unless, in the experience of a chief medical officer the most satisfactory procurement of a desired service requires departure therefrom, the policy will be to instruct claimants or beneficiaries to report for examination (including observation if necessary), or for treatment (medical or dental) including hospitalization if required, or for measurement or fitting or procurement of prosthetic or orthopedic appliances, to the regional office, facility or orthopedic workshop nearest the claimant's or beneficiary's home, even though such objective be outside of the regional territory in which the claimant or beneficiary resides; and the necessary travel in such circumstances is authorizable. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

[SEAL]

FRANK T. HINES,  
Administrator of Veterans' Affairs.

[F. R. Doc. 38-561; Filed, February 23, 1938; 3:19 p. m.]



## REVISION OF REGULATIONS

## ORTHOPEDIC AND PROSTHETIC APPLIANCES

R-6115 (F). Appliances of approved types will be supplied. Repairs or replacements thereof may be made, upon application and in accordance with governing procedure, whenever necessitated in medical judgment because of wear, loss or other sufficient reason. (February 23, 1938.)

(G) *Retired officers and enlisted men of the regular establishment.*—

(1) In compliance with an Executive order, effective December 1, 1930, relieving the Surgeon General of the Army of this duty, the Veterans' Administration under the provisions of Chapter 5, Sections 241 to 250, Title 38, U. S. Code, as amended, may provide an artificial limb or apparatus or commutation in lieu thereof, once every three years for each retired officer or enlisted man of the regular establishments, who shall have lost a limb or the use thereof through injury or disease incurred in line of duty in the military or naval service at any time; and to every civilian employee of the military or naval service who shall have lost a limb or the use thereof, through injury or disease incurred in line of duty as such, prior to September 7, 1916 (date of the United States Employees Compensation Act). An army nurse is considered a civilian employee within the meaning of the statute cited.

(2) Applicants may elect to receive, once every three years, either a necessary artificial limb or limbs, or commutation in lieu thereof, at the rates specified by law; but they will not be furnished with both an artificial limb or limbs and commutation in lieu thereof. Should the beneficiaries specified in this subparagraph elect to receive an artificial limb or appliance in kind, it will be furnished under an approved contract, if obtainable at a price not in excess of \$125.00; if not, competitive bids therefor will be invited and award made to the lowest responsible bidder, provided the bid does not exceed \$125.00.

(3) Repairs of artificial limbs supplied persons under subparagraph (G) (1) will not be made at Government expense. Replacements will not be authorized within the three year period specified for the furnishing of an artificial limb. (February 23, 1938.) V. R. 6 Series, V. R. 7 Series, and Pub. 312, 74th Cong.

[SEAL]

FRANK T. HINES,

Administrator of Veterans' Affairs.

[P. R. Doc. 38-563; Filed, February 23, 1938; 3:20 p. m.]

## REVISION OF REGULATIONS

## DENTAL SERVICES

R-6120. *Classes of claimants or beneficiaries entitled to dental examinations.*—Dental examinations may be authorized for the following classes of claimants or beneficiaries, if considered necessary. Chief dental officers and others concerned will exercise proper judgment to avoid authorizing dental examinations unless a detailed dental report is essential for a determination of eligibility for benefits:—

(A) Veterans whose claims have been adjudicated as having a war-time service-connected dental disability, or a peace-time service-connected dental disability if honorably discharged on account of a disability incurred in line of duty or if in receipt of pension for a service-connected disability. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6122. *Request for dental examination by medical examiner.*—In out-patient dispensaries and at facilities, medical

examining officers will not routinely refer all claimants appearing for an out-patient physical examination to the chief dental officer for dental examination, but will limit such reference to (1) those claimants who, in the opinion of the medical examining officers are in need of dental relief as adjunct to a service-connected physical disability; (2) those claimants for whom they desire a dental examination as an aid in making a diagnosis. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6129. *Extent of dental relief.*—The type and extent of dental relief in any individual case will be determined by a dental officer of the Veterans' Administration in accordance with the following principles:

(C) In Class III (adjunct and auxiliary) cases treatment will be rendered for those dental conditions which sound professional judgment indicates have a direct and material detrimental effect upon veteran's basic disability. If the treatment is to be rendered on an out-patient basis, the determination whether or not the dental condition in question is aggravating the basic service-connected disease or injury will be made by the chief medical officer. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6132. *Approval of fees for special dental operations and prosthesis.*—When it is necessary to authorize special dental or oral operations or the construction of special dental prosthetic appliances on a fee basis, prior approval of the medical director will be secured. The submission for approval will furnish information as to the necessity for the special operation or appliance; a detailed description thereof; the fee which the dentist proposes to charge; and an expression of opinion as to whether the fee is reasonable and fair, based upon a comparison with fees ordinarily charged for similar services in that locality, the difficulty of the operation requiring special ability, and the reputation of the dentist for such ability. If the proposed fee is considered to be excessive a fee for the services will be recommended by the submitting officer for approval. The report of dental and oral examination and copy of current rating if a Class I or Class II case will be inclosed with the submission. (For approval of special appliances in Veterans' Administration clinics see medical procedure. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

R-6135. *Replacement of dental prosthesis.*—(C) Dental prosthesis such as bridges and dentures furnished as adjunct or auxiliary relief, when requiring replacement through legitimate wear or deterioration, will be replaced upon determination as to the present necessity of replacement as adjunct or auxiliary relief.

If the veteran has previously been furnished prosthesis which he can not produce, affidavits and other information as prescribed in (B) above will be secured and forwarded to the medical director with the request for approval of out-patient adjunct dental treatment. If the prosthesis is to be furnished as adjunct or auxiliary on an in-patient basis the chief dental officer will satisfy himself that the appliances previously furnished was not destroyed, lost or otherwise disposed of due to the carelessness or neglect of the beneficiary. If he is of the opinion that the loss was occasioned by the carelessness or neglect of the beneficiary, the question of replacement will be referred to the medical director for decision, accompanied by the same information as required in (B) above. (February 23, 1938.) (V. R. 6 Series, V. R. 7 Series and Pub. 312, 74th Congress.)

[SEAL]

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Administrator of Veterans' Affairs.

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